

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DANA TURLEY and
LILA WOLFF, Individually and on
Behalf of Others Similarly Situated,**

Plaintiffs,

vs.

LUPIN PHARMACEUTICALS, INC.,

Defendant.

Civil Action File No. _____

Jury Trial Demanded

COMPLAINT

I. INTRODUCTION

1. Dana Turley (“Dana”) and Lila Wolff (“Lila”) both sold pharmaceuticals. Both are seasoned pharmaceutical salespersons, and both are good at what they do.

2. Lupin Pharmaceuticals, Inc. (“Lupin”) is a goliath pharmaceutical manufacturing company. It is wholly owned by Lupin Limited, a Mumbai, India-based generic pill manufacturer (top five in India according to its website <http://www.lupinpharmaceuticals.com/about.htm>). It nets billions of dollars yearly.

3. In the U.S.A., Lupin has a history of poaching experienced pharmaceutical representatives—“instant rainmakers”—from other pharmaceutical

companies who maintained contacts and who carried with them a significant book of business in the pharmaceutical sales industry. Lupin would make huge promises and offer big money to these instant rainmakers, such as Dana and Lila, and ultimately lured them away from their (former) good jobs.

4. In its hiring scheme, Lupin preyed upon salespersons who were in a protected class of persons, forty (40) years and older. Such was the case with Dana and Lila.

5. Once these instant rainmakers were employed by Lupin, their contacts and their book of business were taken over and controlled by Lupin.

6. Then, after a relatively short period of time, Lupin ousts persons like both Dana and Lila. Younger personnel are then hired who are paid less and who take over these relatively new, previously established accounts.

7. This action is to redress age discrimination, fraud in the inducement, and punitive damages against defendant Lupin.

II. PARTIES, JURISDICTION, AND VENUE

8. Plaintiff Dana Turley is a natural born United States citizen with a date of birth of August 28, 1960. Dana resides in Smyrna, Georgia. He was an employee of Defendant Lupin from April 1, 2016 until March 24, 2017. At the time of his employ at Lupin, Dana was over the age of 40.

9. Plaintiff Lila Wolff is a natural born United States citizen with a date of birth of November 16, 1964. Lila resides in Alpharetta, Georgia. She was an employee of Defendant Lupin from October 3, 2016 until March 24, 2017. At the time of her employ at Lupin, Lila was over the age of 40.

10. Defendant Lupin Pharmaceuticals, Inc. is an “employer” as it is defined by 29 U.S.C. § 630(b) that engages in an industry affecting commerce, *i.e.*, the manufacture and sale of pharmaceuticals. Lupin has employed twenty (20) or more employees for each working day this year.

11. Defendant Lupin Pharmaceuticals, Inc. transacts business in Georgia. In order to make is own profit, Lupin regularly supplies, solicits business, sells pharmaceuticals, and derives substantial revenue selling pharmaceuticals to hospitals and clinics throughout this State and within the Northern District of Georgia. In this endeavor, Lupin employs salespersons who live in this District and who regularly transact business and otherwise engage in interstate throughout this District. Lupin’s course of business activity within this District is regular, persistent, and substantial.

12. Defendant Lupin may be served with process by delivering this Summons and Complaint to its registered agent for service of process, C T

Corporation System, 289 S. Culver St., Lawrenceville, Gwinnett County, Georgia 30046-4805.

13. This Court has jurisdiction over the claims asserted in this action pursuant to 28 U.S.C. § 1331 because the action arises under the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621, *et seq.*, which incorporates by reference Sections 16 of the Fair Labor Standards Act of 1938 (the “FLSA”), as amended, 29 U.S.C. § 216. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367. Additionally, Lupin maintains significant contacts within this District by establishing contractual relationships, negotiating contracts, maintaining relationships, educating its clients, sending its product, and receiving payments from business located in this District.

14. Venue is proper pursuant to 28 U.S.C. § 1391(b) and 29 U.S.C. § 626 because Lupin transacts a substantial portion of their business in the Northern District of Georgia, directly employs persons in this District.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

15. Plaintiffs Dana Turley and Lila Wolff each were fired from Lupin on March 24, 2017.

16. Plaintiffs Dana Turley and Lila Wolff each filed timely administrative charges seeking individual and class relief with the EEOC within 180 days on September 18, 2017. **See Exhibit 1.**

17. The EEOC commenced an investigation for each of the Plaintiff's claims. More than 60 days has passed since the EEOC commenced their investigation.

18. On May 11, 2018, Plaintiffs Dana Turley and Lila Wolff each separately requested that the EEOC conclude its investigation. **See Exhibit 2.**

19. This lawsuit has been filed within 90 days of the date that the EEOC has been requested to conclude its investigation.

IV. STATEMENT OF FACTS

A. Lupin's Business Model: Hire an "Instant Rainmaker," Obtain the Rainmaker's Book of Business and Goodwill, Jack-Up the Price of the Pharmaceutical it Sells, Fire the Rainmaker for a Made-Up Reason, and then Hire a Younger, Less Expensive Caretaker to Maintain the Business.

20. Oral Methergine is a generic drug used to treat or stop bleeding in the child birthing process. It is a life-saving pharmaceutical.

21. Lupin lures and incentivizes experienced reps from other pharmaceutical companies who have contacts and a significant book of business in the pharmaceutical sales industry. Lupin offers big money and huge promises to

these rainmakers, and as in the case of both Dana Turley and Lila Wolff (and others), Lupin lures away these sales persons from their (former) good jobs.

22. This book of business is, in turn, taken over and controlled by Lupin. Then, after a relatively short period of time, Lupin ousts persons like both Dana Turley and Lila Wolff and new, younger personnel are hired who are paid less and who take over these matured accounts.

23. Since the time that Dana was hired at Lupin, it has increased the price of oral methergine by an astonishing 3000%—from \$2.00 per pill to \$60.00 per pill—without any significant change in improvement other than the sugar coating on the outside of the pill.

24. Beyond the time of Plaintiffs' wrongful discharge from Lupin, the price of oral Methergine has increased significantly further—upwards of \$100 or more per pill.

B. Dana Turley was fraudulently lured by Lupin to become a Lupin employee, then turned over his book of business, and then was fired for a pretextual reason.

25. Prior to working for Lupin Pharmaceuticals, Inc., Dana Turley was in pharmaceutical sales for many years. In his career, he had built-up a substantial

amount of sales contacts and he established a good deal of trust and goodwill with his customers.

26. Because of his long experience and a substantial base of contacts that he had built up in the pharmaceutical industry, Dana was enticed by Lupin to leave his former company and to come to work for Lupin. Dana had left a good job that he had been at for nine (9) years previously to take a new position with Lupin.

27. Personnel at Lupin offered Dana an equivalent salary base, promised him bonuses, and told him that he would have longevity with Lupin if he came aboard with them. Lupin lured him in by stating, to the effect of these words: “this is a ground floor opportunity with a new company that has unlimited financial resources and you will be able to take your career anywhere you like here at Lupin.” Lupin also stated they were building a women’s healthcare platform and that they would be building upon other platforms as well.

28. Dana, Lila and others were told they would be assigned a specific sales territory and that they “would be paid on dirt.” This meant that sales reps would have their own exclusive territories which would not overlap with the territory of other Lupin sales reps.

29. The representations concerning exclusive territories to Dana and Lila were false. In fact, Dana and Lila had overlapping sales territories (as decided by

their superiors) that was an impediment towards carrying out their normal job duties and functions. These problems were created by Lupin, problems that Dana had previously complained about.

30. During the recruiting process, Lupin represented to Dana that he would have a readily ascertainable and achievable bonus structure so that he would be able to receive bonuses of at least \$10,000 per trimester, for total annual bonuses of at least \$30,000.

31. The representations about bonuses were false in that the numbers were neither readily ascertainable, nor achievable. Among other issues, the fact that Dana and Lila had overlapping territories led to misunderstandings as to who would get credit for the sales in their common territories.

32. Dana relied upon these representations and he accepted Lupin's job offer. He became a Hospital Specialty Sales Representative for Lupin ("Sales Rep.")

33. Dana was an excellent employee for Lupin. He met his physician call quotas and sales and he had positive verbal and written feedback regarding his job performance.

34. Dana made calls to physicians who were primarily at medical facility locations such as hospitals or doctors' offices. He averaged approximately six (6) physician calls per day which met his goal expectations. On some days, he made

more calls and on other days he made less calls, depending on the circumstances. This was standard and typical for Lupin Sales Reps.

35. Not until the day he was fired from Lupin did Dana ever hear of a complaint or criticism about the timeliness of inputting his calls into a software system (called “MI Touch”) that was accessed on his company iPad.

36. On March 24, 2017, Dana was fired by Jim Hassel who was a Senior Vice-President and a superior of his. Hassel indicated that Dana was dismissed from Lupin for “low call averages.” This reason was not true because his call averages were not low, and they were met.

37. Later, in the EEOC investigation, Lupin’s given reason to fire Dana changed. The new reason given for his termination was for his “wanton failure to contemporaneously make a record of meetings...held with physicians... as required by the Company.” But this reason, like their other given reason, is a fabrication, a pretext, and certainly not a legitimate reason for his termination. Dana was set up to fail.

38. Contemporaneously or immediately recording meetings with physicians was *not* required for Sales Reps like Dana. Dana was informed at the beginning of his employment that it was standard practice to record meetings with physicians either a couple of times a week or on the weekends. Dana complied with

this company standard. No other Hospital Specialty Sales Representatives submitted such recordings of physician meetings immediately.

39. Moreover, if contemporaneous reporting was Lupin's policy—and it was not for nearly all of the time that Dana was employed by Lupin—it would have been impossible to comply. This was because the MI Touch system, *i.e.*, the company database where such information was recorded online through computers such as iPads, was plagued with constant glitches, troubles, and incomplete or inaccurate company-provided information that was supposed to enable Sales Reps to input their information cleanly and easily. The company database was so misaligned that it was mixing up Dana's calls with Lila Wolff's calls and wasting both of their times. Many of the physicians were not programmed into the system—this should have been entered by other Lupin personnel—and the information had to be looked up and entered manually (name, address, hospital affiliation) and then Dana had to wait a few days for the entry to be approved and show up in the system again. Only then could calls be “entered.” Also, there were constant software glitches that were affiliated with the “Visual Aid,” which is a marketing software component located within the MI Touch system. Several of Dana's entries would never submit. Dana was on the phone or otherwise in touch with the Lupin's IT person constantly, complaining about the difficulty of inputting his information and

struggling with how to resolve these issues. Most of his colleagues had the same issues.

40. In addition to said glitches, because many medical facility rules at hospitals and doctor offices prohibited bringing iPads or other computing devices inside a facility, or because of a technological inability for anyone to transmit wirelessly information into the MI Touch system, Lupin Sales Reps often could not immediately enter their physician calls. A Sales Rep would have to wait and enter their calls later. Consequently, the call entry challenges confronted by many Reps made it impossible to document the actual calls to physicians immediately.

41. Dana complained about the difficulty of inputting his physician calls right up until the end of his employment with Lupin, March, 24, 2017. Inputting the information was *never* easy and was *always* difficult during his entire tenure with Lupin.

42. Since the MI Touch system that Dana and Lila used was plagued with computer glitches and lacking sufficient information, extra time would have been necessary to make sure that this information was successfully imputed, even if the physician was already in the system. In general, Dana did not have time (and in most cases, it was not possible) to make contemporaneous reportings if he was going to meet his physician call average of six calls per day. Inputting information into

the glitch-plagued MI Touch system “contemporaneously” or “immediately” was never practical, realistic, reasonable or required. Dana normally set aside time a few times a week or on the weekends to enter this information.

43. The so-called requirement that physician meetings be contemporaneously recorded became known through emails started by Jim Hassel, one of Dana’s superiors on March 12, 2017, and then forwarded on down the line. No central “edict” or “pronouncement” of such a policy was made to all employees at once. Such a policy appeared more like a suggestion than an official company hard line, one reason being that practical logistics made it incredibly difficult to carry this policy out. These forwarded emails that announced the new contemporaneously reporting standard occurred just nine (9) business days before Dana was fired.

44. The “contemporaneous reporting” standard was a policy designed to set up Sales Reps, like Dana, to fail. Given the faulty MI Touch system, Lupin, through Jim Hassel, had a built-in—but illegitimate—excuse to fire their Sales Reps without true cause.

45. After Dana was fired from Lupin, Lupin advertised for a Medical Sales Representative between the ages of 20-28 years describing his job description. This job offering was for a person who was not highly experienced as Dana and would

pay much less than what Dana was making. And Lupin was looking for a person who was younger than Dana.

46. Eventually, Lupin hired a person to fill Dana's position. That person was Allison Womble whose date of birth is November 27, 1971 and who was 45 years old at the time of her hiring—approximately 12 years younger than Dana. Allison Womble took over both Dana's territory and Lila Wolff's territory—and she was paid less.

C. Lila Wolff was fraudulently lured by Lupin to become a Lupin employee, then turned over her book of business, and then was fired for a pretextual reason.

47. Prior to working for Lupin Pharmaceuticals, Inc. ("Lupin") Lila Wolff was in pharmaceutical sales for over two decades. She had built-up a substantial amount of sales contacts and established a good deal of trust and goodwill with her customers.

48. Because of her long experience and a substantial base of contacts that she had built up in the pharmaceutical industry, Lila was enticed by Lupin to leave her former company and to come to work for Lupin. She left a good job that she had been at for two years previously to take this position. Lupin offered her a big salary base, promised her bonuses, and told her that she would have longevity with Lupin

if she came aboard with them. Lila relied upon these representations and she accepted Lupin's job offer.

49. Personnel at Lupin offered Lila an equivalent salary base, promised her bonuses, and told her that she would have longevity with Lupin if she came aboard with them. Lupin lured Lila in by stating, to the effect of these words: "this is a ground floor opportunity with a new company that has unlimited financial resources and you will be able to take your career anywhere you like here at Lupin." Lupin also stated they were building a women's healthcare platform and that they would be building upon other platforms as well. All of this was very attractive and enticing to Lila.

50. Dana, Lila and others were told they would be assigned a specific sales territory and that they "would be paid on dirt." This meant that sales reps would have their own exclusive territories which would not overlap with the territory of other Lupin sales reps.

51. The representations concerning exclusive territories to Dana and Lila were false. In fact, Dana and Lila had overlapping sales territories (as decided by their superiors) that was an impediment towards carrying out their normal job duties and functions. These problems were created by Lupin, problems that Lila had previously complained about.

52. During the recruiting process, Lupin represented to Lila that she would have a readily ascertainable and achievable bonus structure so that she would be able to receive bonuses of at least \$10,000 per trimester, for total annual bonuses of at least \$30,000.

53. The representations about bonuses were false in that the numbers were neither readily ascertainable, nor achievable. Among other issues, the fact that Dana and Lila had overlapping territories, there was never any understanding as to who would get credit for the sales in common territories.

54. Lila relied upon these representations and she accepted Lupin's job offer. She became a Hospital Specialty Sales Representative for Lupin ("Sales Rep.") for part of the Atlanta area and elsewhere in the State of Georgia, along with Dana Turley. She began working for Lupin on October 3, 2016.

55. Lila was an excellent employee for Lupin. She met her physician call quotas and sales and she had positive verbal and written feedback regarding her job performance. Not until the day that Lila was fired from Lupin did she ever hear of a complaint or criticism about the timeliness of inputting her calls into the software system (called "MI Touch") that was accessed on her iPad nor did she hear of any complaints or criticisms about the completeness or accuracy of her expense reports.

56. Lila's calls made to physicians were primarily at medical facility locations such as hospitals or doctors' offices. She averaged approximately six (6) physician calls per day which met her goal. On some days, she made more calls, and, on some days, she made less calls, depending on the circumstances. This was typical of Reps such as Lila.

57. During late November and December 2016, Lila fell ill with a serious heart issue. Her condition required three hospitalizations, the use of an external defibrillator, a surgery, and rehabilitation. Nevertheless, she carried on with her job by updating her boss, Ken Hilliard, via phone by making job-related conference calls from her CCU bed, making appointment calls with doctors by having others drive her to various locations when not in the hospital, completing her call logs in a timely and reasonable manner in the MI Touch system, turning in her expense reports with appropriate documentation, and attending an out-of-town company sales meeting. She wore an external defibrillator to this meeting where her boss Ken Hilliard and her colleague Dana Turley remained at her side during the entire meeting in the event that she passed out and the defibrillator went off. Both Ken and Dana were to keep people from touching her—else they would get shocked themselves—and then call 911. Lila checked out of the hospital against medical advice so she could attend this

meeting, putting her life at great risk. Lila did this because of her loyalty to Lupin and her job.

58. On March 24, 2017, Lila was fired by Jim Hassell who was a Senior Vice-President and Lila's superior in company rank.

59. The reason for Lila's firing, which became apparent from the papers filed with the EEOC, was because (1) she failed to contemporaneously record meetings with physicians and that this was company policy; and (2) she failed to submit complete expense reports. Both of these reasons are untrue and made up and they were a pretext for firing Lila.

60. Contemporaneously or immediately recording meetings with physicians was *not* required for Reps such as Lila, notwithstanding Lupin's characterizations to the contrary. Lila was informed at the beginning of her employment that it was standard practice to record meetings with physicians either a couple of times a week or on the weekends. Lila complied with this company standard. The only time Lila did not do this within normal parameters was because of health issues concerning her heart. No other Hospital Specialty Sales Representative submitted records of physician meetings immediately.

61. Moreover, if contemporaneous reporting was Lupin's policy—and it was not for the vast majority of Lila's time with Lupin—it would have been

impossible to comply. This was because the MI Touch system, *i.e.*, the company database where such information was recorded online through computers such as iPads, was plagued with constant glitches, troubles, and incomplete or inaccurate company-provided information that was supposed to enable Reps to input their information cleanly and easily. Many of the physicians were not programmed into the system—this should have been entered by other Lupin personnel—and the information had to be looked up and entered manually (name, address, hospital affiliation) and then we had to wait a few days for the entry to be approved and show up in our system again. Only then could calls be “entered.” Also, there were constant software glitches that were affiliated with the “Visual Aid,” which is a marketing software component located within the MI Touch system. Several of Lila’s entries would never submit. Lila was on the phone or otherwise in touch with the Lupin’s IT person constantly, complaining about the difficulty of inputting her information and struggling with how to resolve these issues. Most of her colleagues had the same issues.

62. In addition to these glitches, because many medical facility rules at hospitals and doctor offices prohibited bringing iPads or other computing devices inside a facility, or because of a technological inability for anyone to transmit wirelessly information into the MI Touch system, Reps often could not immediately

enter their physician calls. A Hospital Rep would have to wait and enter their calls later. Consequently, the call entry challenges confronted by many Reps made it impractical to document the actual calls to physicians immediately.

63. The last time that Lila complained about the difficulty of inputting her physician calls was in March, 2017—a few weeks before she was fired. Inputting the information was *never* easy and was *always* difficult during her entire tenure with Lupin. Lupin’s intimation, as indicated in the EEOC filings from Lupin, that Lila never contacted Lupin’s IT department past December 7, 2016, is untrue.

64. Since the MI Touch system that Lila used was plagued with computer glitches and lacking sufficient information, extra time would have been necessary to make sure that this information was successfully imputed, even if the physician was already in the system. In general, Lila did not have time (and in most cases, it was not possible) to make contemporaneous reportings if Lila was going to meet her physician call average of six calls per day. Inputting information into the glitch-plagued MI Touch system “contemporaneously” or “immediately” was never practical, realistic, reasonable or required; Lila had to set aside time a few times a week or on the weekends to enter this information—which Lila did.

65. The so-called requirement that physician meetings be contemporaneously recorded became known through emails started by Jim Hassel,

one of Lila's superiors, on March 12, 2017, and then forwarded on down the line. No central "edict" or "pronouncement" of such a policy was made to all employees at once. Such a policy appeared more like a suggestion than an official company hard line, one reason being that practical logistics made it incredibly difficult to carry this policy out. These forwarded emails that announced the new contemporaneous reporting standard occurred just nine (9) business days before Lila was fired.

66. The so-called policy of "contemporaneous" reporting of calls was *willy-nilly* announced, implemented, and late in the game. Lila found out about it via an email from her manager, which was forwarded from another manager to him. There was never an official "announcement." It set up an impossible standard to meet. Despite imposing such an unreasonable call reporting policy, Lupin *never* corrected the glitches inherent in the MI Touch system itself. Moreover, Lupin *never* addressed the problem of recording such information in a hospital facility where it was either prohibited by hospital rule or constrained by technological limitations.

67. Likewise, the "contemporaneous reporting" standard was a policy designed to set up Hospital Reps to fail, such as Lila and Dana Turley. Given the faulty MI Touch system, Lupin, through Jim Hassel had a built-in excuse to fire their Reps without true cause. In addition, Lila, along with Dana, had a misalignment of sales territories (as decided by her superiors) that was an impediment towards her

carrying out her normal job duties and functions. These problems were created by Lupin, problems that Lila had previously complained about.

68. During her employ at Lupin, Lila submitted her expense reports accurately, fully, completely, and in a timely manner. Every meal had proper documentation, including a printed receipt from the caterer indicating time, date, location, and in the case of deliveries from EZCater, names of a few of the physicians in that office. Lila also had sign-in sheets, which every attendee had to sign, and in the case of physicians, they had to sign and add their physician ID. The names of the physicians who signed in on the sign-in sheets were also input into her expense report under the expense itself, and their names in the expense report always matched the sign-in sheet.

69. Like Dana Turley, after Lila was fired from Lupin, Lupin advertised for a Medical Sales Representative between the ages of 20-28 years describing his job description. This job offering was for a person who was not highly experienced as Lila and would pay much less than what Lila was making. And Lupin was looking for a person who was younger than Lila.

70. Eventually, as indicated previously, Lupin hired a person to fill Lila's position. Again, this person was Allison Womble whose date of birth is November 27, 1971 and who was 45 years old at the time of her hiring—approximately seven

(7) years younger than Lila. Ms. Womble took over both Dana's territory and Lila's territory—and she was paid less. She was hired to be a caretaker of the business previously in place brought by both Dana and Lila.

V. COLLECTIVE ALLEGATIONS

71. Plaintiffs incorporate by reference all preceding paragraphs of the Complaint.

72. The Plaintiffs' submissions to the EEOC provided sufficient information to give the EEOC notice of the class-wide nature of the allegations contained in their charges to allow the EEOC to investigate and conciliate on a class-wide basis, rather than on an individual claim.

73. Specifically, the Plaintiffs' submissions to the EEOC adequately set forth in their charges of discrimination claims for both disparate treatment and disparate impact with respect to themselves and on behalf of those similarly situated who are members of the ADEA collective.

74. Upon court approval of the class, it is unnecessary for members of the ADEA Collective who could have filed a charge of discrimination within the same time frame as the named Plaintiffs, to file their own separate charge of discrimination. Members of the ADEA Collective who opt-in to this lawsuit may

piggyback onto the Plaintiffs' timely filed charges of discrimination under the ADEA.

75. Named Plaintiffs Turley and Wolff have verified, under oath, the contents of this Complaint. Each has demonstrated that more than one ex-employee of Lupin has been subject to Lupin's discriminatory practices on the basis of age.

76. Plaintiffs now bring collective claims under the ADEA pursuant to Section 16(b) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b), on behalf of all employees in the United States age fifty (50) and over who have been subjected to adverse employment action as a result of Lupin's Company-wide policy of age-discrimination, who opt into this ADEA action by filing a Consent to Join with the Court ("ADEA Collective").

77. Plaintiffs and members of the ADEA Collective are similarly situated with respect to their claims that Lupin fired said employees for pretextual reasons, and in so doing, ultimately violating the ADEA.

78. There is a common nexus of fact and law suggesting that Plaintiffs and members of the ADEA Collective were discriminated on the basis of age, within the context of the ADEA, and that they are victims of a single decision, policy, or plan that is infected by said discrimination. Questions at issue in the case include:

(a) Whether Lupin fired more than one qualified employee, between the ages of 50 and 70 (“older employees”), and replaced them with substantially younger employees, thus reducing Lupin’s burden of payment to their employees;

(b) Whether Lupin’s firing of said older employees was based on a pretextual reason;

(c) Whether Lupin’s resulting disparate treatment of firing older employees when compared to similarly situated younger employees was willful within the meaning of the ADEA.

(d) Whether Lupin’s resulting disparate impact of firing older employees when compared to similarly situated younger employees was violative of the ADEA.

79. Counts for violations of the ADEA may be brought and maintained as an “opt-in” collective action pursuant to 29 U.S.C. § 216(b), for all claims asserted by the Members of the ADEA Collective Plaintiffs who opt-in to this action because the claims of the Plaintiff are similar to the claims of the members of the ADEA Collective.

80. Court-approved notice as authorized by the Court will determine the number of putative class members who wish to participate in this action.

81. Plaintiffs Dana Turley and Lila Wolff, and members of the ADEA Collective who (a) are similarly situated and (b) are subject to Defendant’s common

policy and practice of age discrimination in wrongfully discharging older employees and denying them fair opportunity for work, compensation, and promotion when compared to similarly situated younger employees.

82. All putative members of the ADEA Collective are age 50 or over.

83. All putative members of the ADEA Collective were Hospital Sales Representatives who worked for Lupin. All sold the same product—Oral Methergine. All maintained similarly situated job skills.

84. All putative members of the ADEA Collective reported to regional managers who in turn reported to Lupin's company headquarters in Baltimore, Maryland.

85. All putative members of the ADEA Collective were seasoned sales persons who brought their own book of business to Lupin.

86. Lupin's business model has been to lure and incentivize experienced reps who have significant contacts in the medical sales industry—such as the named Plaintiffs—to become employees. In so doing, the contacts brought to Lupin's doorstep were subsumed or taken over by Lupin. Then, after a short period of time, Lupin would fire persons like the named Plaintiffs and hire new personnel who are paid less. That person then would take over the book of business brought to and

developed for Lupin. This policy applied nationally and to affected putative members of the ADEA Collective.

87. Nationally, Lupin hired approximately 30 experienced hospital sales reps, most of whom were in their 50's, who brought with them a book of business and associated goodwill. Most of these hirings generally occurred around 2015-2016, give or take a year. Then, like the Plaintiffs, Lupin fired a handful of these sales reps based on trumped-up reasons. The word spread quickly that Lupin had fired these tenured sales reps for false reasons. As result, the remaining tenured reps, not wanting to play a game of Russian Roulette and waiting to be fired, resigned. Of those 30 tenured employees, few, if any, remain today. Younger less-paid workers replaced these tenured reps. Lupin kept the book of business brought in by these tenured reps.

88. Lupin's scheme—to (1) bring in older, experienced Reps, (2) takeover the book of business brought in by such a Rep, (3) unconscionably and unethically hike the price of the pharmaceutical pill that the Rep sells, (4) fire the Rep on a pretext, but keep the business brought in and developed by the Rep, (5) advertise for a younger Rep, and (6) hire a new Rep, most likely that new Rep position being a lesser expense burden—violates the ADEA.

89. Lupin's discriminatory actions, as indicated in this Complaint, are company-wide and the treatment of the Plaintiffs and the members of the ADEA Collective emanate from a single decision, policy or plan infected by age discrimination.

90. Lupin's decision-making was systemic, with respect to the discriminatory treatment specified herein, and were made at the highest levels of the company.

91. Lupin's conduct follows a stereotype that an older worker will less likely follow unethical protocols (in this case, pricing) than a similarly-situated younger worker who may be more eager to please. This saves Lupin money at the expense of a protected class of persons, *i.e.*, those protected under the ADEA.

VI. CAUSES OF ACTION

COUNT I—AGE DISCRIMINATION—DISPARATE TREATMENT

**(On Behalf of Plaintiffs Turley, Individually Wolff, Individually,
and Members of the ADEA Collective)**

92. Plaintiffs reallege and incorporate by reference the allegations in all preceding paragraphs into this Count.

93. It is unlawful for any employer to “discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's age.” ADEA, 29 USC §§ 623(a)(1).

94. It is also unlawful for an employer to “limit, segregate or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the status of an employee, because of such individual’s age.” ADEA, 29 USC §§ 623(a)(2).

95. Plaintiffs and the members of the ADEA Collective are a protected class of employees who are age fifty (50) years and over, and who at all relevant times were employees of Lupin.

96. By virtue of Lupin’s actions, other sales representatives at Lupin who were over the age of fifty (50) were wrongfully discharged.

97. The adverse employment action was Plaintiffs Turley and Wolff’s wrongful discharge, based on their ages, which constituted discriminatory practices in violation of the ADEA by Lupin.

98. The adverse employment action was the wrongful discharge of the members of the ADEA collective, based on their ages, which constituted discriminatory practices in violation of the ADEA by Lupin.

99. Plaintiffs Turley, Wolff, and members of the ADEA collective are (1) members of a protected group between the age of forty and seventy; (2) were subject to an adverse employment action; (3) had their jobs filled by a substantially younger

person filled the position from which each was discharged; (4) were qualified to do the job from which each was discharged.

100. With respect to Plaintiffs Turley, Wolff, and members of the ADEA collective, there is no competent evidence of a legitimate, nondiscriminatory reason for the adverse employment action taken by Lupin. Lupin's proffered reason for discharging them is based on a pretext.

101. Lupin discriminated against Plaintiffs and the members of the ADEA collective with respect to their compensation, terms, conditions, and privileges of their employment.

102. The Plaintiffs' submissions to the EEOC adequately set forth in their charges of discrimination claims for disparate treatment with respect to themselves and on behalf of those similarly situated who are members of the ADEA collective

103. Lupin's adverse employment actions against Plaintiffs, and adverse employment actions against members of the ADEA Collective, were undertaken in direct violation of the ADEA, 29 U.S.C. § 621, *et seq.*

104. Age is not a bona fide occupational qualification reasonably necessary to the normal operation of Lupin.

105. As a result of Lupin's Company-wide policy of discrimination and individual discriminatory practices, Plaintiffs and members of the ADEA collective

have suffered, and will continue to suffer, harm, including, but not limited to: difficulty in finding a comparable job, a reduction in salary and benefits; mental distress; humiliation and embarrassment; emotional pain and suffering; inconvenience; mental anguish; loss of enjoyment of life, and other nonpecuniary losses which monetary damages at a later time cannot adequately compensate.

106. Plaintiffs Turley, Wolff, and members of the ADEA Collective have or will suffer similar harm as a result of Lupin's common policy of discrimination.

COUNT II (IN THE ALTERNATIVE TO COUNT I)
AGE DISCRIMINATION—DISPARATE IMPACT
**(On Behalf of Plaintiffs Turley, Individually Wolff, Individually,
and Members of the ADEA Collective)**

107. Plaintiffs reallege and incorporate by reference the allegations in all preceding paragraphs into this Alternative Count.

108. Lupin's adverse employment actions towards Plaintiffs Turley, Wolff, and members of the ADEA Collective had the effect of weeding out older employees at Lupin.

109. Lupin's adverse employment actions towards Plaintiffs Turley, Wolff, and members of the ADEA Collective had a disparate impact on older employees now formerly employed at Lupin. The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

110. The Plaintiffs' submissions to the EEOC adequately set forth in their charges of discrimination claims for disparate impact with respect to themselves and on behalf of those similarly situated who are members of the ADEA collective.

111. The ADEA prohibits employers from utilizing facially age-neutral policies that have a significant adverse disparate impact on qualified workers over the age of 40. *Smith v. City of Jackson*, 544 U.S.228 (2005) and *Meacham v. Knolls Atomic Power Lab.*, 554 U.S. 84 (2008), such as the Plaintiffs and the members of the Collective, unless the employer can prove that disparate impact caused by the challenged policies and practices was premised on a "reasonable factor other than age."

112. Lupin's policies of discharging its employees such as the Plaintiffs and the members of the Collective had a significant disparate impact on qualified ex-employees over the age of 40. This was in violation of the ADEA, 29 U.S.C. § 623 et. seq.

113. While the Plaintiffs cannot provide the exact statistical impact without the benefit of discovery, adverse employment actions that were taken by Lupin towards its former Sales Representatives who were over the age of forty (40) were substantially more than persons under the age of forty (40).

114. As a direct and proximate result of the foregoing violations of the ADEA, Plaintiffs Turley, Wolff and members of the ADEA collective have sustained injury, including, but not limited to: denial of the wages and other benefits provided to Sales Reps employed by Defendant Lupin, lost interest on those wages and other benefits, and loss of any potential opportunity to advance within Lupin.

COUNT III—FRAUD IN THE INDUCEMENT
(On Behalf of Plaintiffs Turley and Wolff)

115. Plaintiffs reallege and incorporate by reference the allegations in all preceding paragraphs into this Count.

116. Plaintiffs Dana Turley and Lila Wolff each were fraudulently induced by false statements from agents, servant's, or employees of Lupin to quit their former jobs and to come to work for Lupin, to wit:

- a) Plaintiffs' Turley and Wolff each were falsely told that each would have longevity in their respect new jobs at Lupin if they were to come aboard at Lupin;
- b) Plaintiffs' Turley and Wolff each were falsely told of great opportunities of professional advancement and significant monetary compensation if they were to come aboard at Lupin;

- c) Plaintiffs' Turley and Wolff each were falsely told that taking a job with Lupin would be a ground floor opportunity with a new company who had unlimited financial resources to take their careers "anywhere they would like" (or words to similar effect) at Lupin;
- d) Plaintiffs' Turley and Wolff each were falsely told that Lupin would provide them readily ascertainable performance bonuses of at least \$30,000 annually on an achievable scale;
- e) Plaintiffs' Turley and Wolff each were falsely told that they would exclusive sales territories and would "be paid on dirt";
- f) Plaintiffs' Turley and Wolff each were falsely told that Lupin would be building a women's healthcare platform, as well as other healthcare platforms, in which they could participate at Lupin.

117. None of the above statements made to Plaintiffs Turley and Wolff were true and with an intent to lure Plaintiffs away from their former jobs, which were otherwise stable and well-paying.

118. Each of the above statements were material misrepresentations made to Plaintiffs Turley and Wolff concerning longevity, potential compensation, professional advancement, bonuses, "exclusive territories, ground floor" opportunities, and a platform for women's healthcare or other healthcare platforms.

119. Each of the above statements were sufficiently definite and were neither vague nor mere puffery, to constitute actionable fraud.

120. Said material misrepresentations were false when made, or, alternatively, Lupin's agents, servants, or employee's promises to perform a material matter in the future was made with present intentions not to perform.

121. Plaintiffs Turley and Wolff justifiably relied on the accuracy and truth of the representations made by Lupin. The falsity of the misrepresentations were not ascertainable at the time of their making by either of the Plaintiffs.

COUNT IV—PUNITIVE DAMAGES
(On Behalf of Plaintiffs Turley and Wolff)

122. Plaintiffs reallege and incorporate by reference the allegations in all preceding paragraphs into this Count.

123. Lupin's actions were willful, wanton, and/or malicious.

124. Lupin acted with the entire want of care which raises the presumption of conscious indifference to the consequences thereof.

125. Lupin acted with the specific intent to cause harm.

126. Plaintiffs Turley and Wolff are, therefore, entitled to recover uncapped punitive damages against Lupin pursuant to O.C.G.A. § 51-12-5.1 in an amount to be determined by the enlightened conscience of an impartial jury.

VII. JURY DEMAND

127. Plaintiffs demand a trial by jury on all issues.

VIII. PRAYER FOR RELIEF

WHEREFORE Plaintiff Dana Turley and Lila Wolff respectfully request the following relief:

- A. That either under Counts I, II, or both, Plaintiffs and members of the ADEA collective be awarded compensatory, make-whole relief for each of their economic damages including, but not limited to back pay and front pay;
- B. That under Count I, Plaintiffs and members of the ADEA collective be awarded liquidated damages for Lupin's willful violation of the ADEA;
- C. That under Counts I, II, or both, the Court conditionally certify or approve an opt-in collective for all Hospital Sales Representatives age fifty (50) and over who have suffered adverse employment actions from Lupin's common policy of age discrimination;
- D. That the Court authorize the sending of a notice to putative members of the ADEA Collective;

- E. That under Count I, Count II, or both, those who opt-in to the collective action be awarded back pay, front pay, and liquidated damages for Lupin's will violation of the ADEA;
- F. That under Count I, II, or both, the Court Award Interest from March 24, 2017, until judgment is entered;
- G. That Under Count III, Plaintiffs be awarded compensatory, make-whole relief;
- H. That Under Count IV, Plaintiffs be awarded uncapped punitive damages;
- I. That Post-Judgment Interest be awarded as may be proper;
- J. That the Court award reasonable attorney's fees;
- K. That the Court grant such additional relief as this Court deems just and proper.
- L. Plaintiff's additionally demand a Trial-by-Jury.

This 6th day of August, 2018

s/ Jeffrey G. Casurella

Jeffrey G. Casurella

Ga. Bar No. 116160

jeff@cochranedwardslaw.com

COCHRAN & EDWARDS, LLC

2950 Atlanta Road SE

Smyrna, Georgia 30080-3655

770-435-2131

770-436-6877 (fax)

R. Randy Edwards

Ga. Bar No. 241525

randy@cochranedwardslaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DANA TURLEY, Individually, and
LILA WOLFF, Individually, and on
Behalf of Others Similarly Situated,

Plaintiffs,

vs.

LUPIN PHARMACEUTICALS, INC.,

Defendant.


Civil Action File No. _____

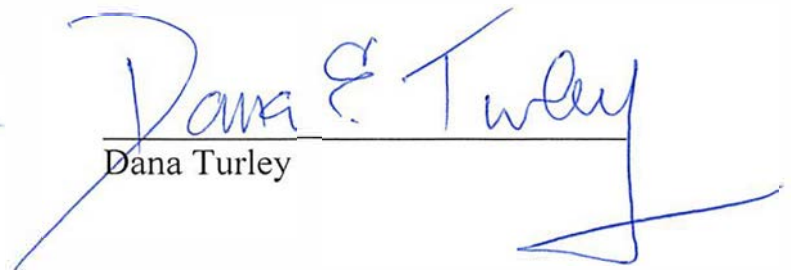
VERIFICATION

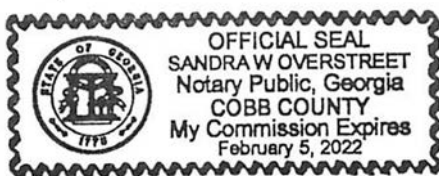
Personally appeared before me the undersigned officer duly authorized to administer oaths comes **Dana Turley**, who is the age of eighteen years and is otherwise competent to give this verification, and who first being sworn, deposes and states that the facts contained in the foregoing **COMPLAINT** are of his own personal knowledge and are true and correct.

This 30th day of AUGUST, 2018.

Sworn to and subscribed before me this
3rd day of August, 2018.


Notary Public


Dana Turley



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DANA TURLEY and
LILA WOLFF, Individually and on
Behalf of Others Similarly Situated,

Plaintiffs,

vs.

LUPIN PHARMACEUTICALS, INC.,

Defendant.

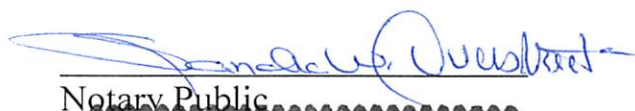
Civil Action File No. _____

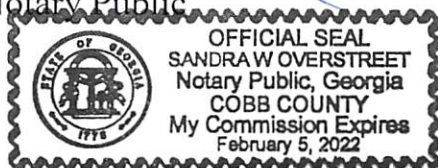
VERIFICATION

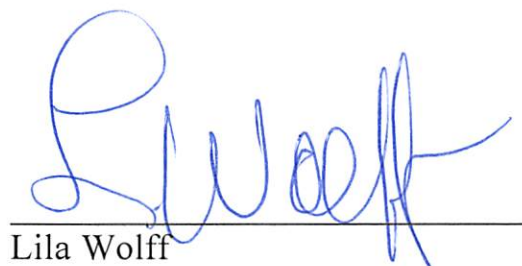
Personally appeared before me the undersigned officer duly authorized to administer oaths comes **Lila Wolff**, who is the age of eighteen years and is otherwise competent to give this verification, and who first being sworn, deposes and states that the facts contained in the foregoing **COMPLAINT** are of her own personal knowledge and are true and correct.

This 3 day of August, 2018.

Sworn to and subscribed before me this
3rd day of August, 2018.


Notary Public




Lila Wolff

LOCAL RULE 7.1D CERTIFICATION

By signature below, counsel certifies that the foregoing document was prepared in Times New Roman, 14-point font in compliance with Local Rule 5.1B.

This 6th day of August, 2018

s/ Jeffrey G. Casurella

Jeffrey G. Casurella

Ga. Bar No. 116160

jeff@cochranedwardslaw.com

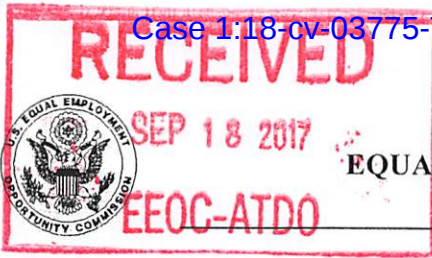
COCHRAN & EDWARDS, LLC

2950 Atlanta Road SE

Smyrna, Georgia 30080-3655

770-435-2131

770-436-6877 (fax)



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
INTAKE QUESTIONNAIRE

Exhibit 1

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. **Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known."** If a question is not applicable, write "n/a." **Please Print.**

1. Personal Information

Last Name: TURLEY First Name: DANA MI: EDWARD
Street or Mailing Address: 1283 CREEKSIDE PLACE SE Apt Or Unit #: _____
City: SMYRNA County: COBB State: GA ZIP: 30082
Phone Numbers: Home: (404) 915-4122 Work: (404) 941-6866
Cell: (404) 915-4122 Email Address: DANATURLEY@GMAIL.COM

Date of Birth: 08/28/1960 Sex: Male Female Do You Have a Disability? Yes No

Please answer each of the next three questions. i. Are you Hispanic or Latino? Yes No
ii. What is your Race? Please choose all that apply. American Indian or Alaska Native Asian White
 Black or African American Native Hawaiian or Other Pacific Islander

iii. What is your National Origin (country of origin or ancestry)? UNITED STATES OF AMERICA

Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: FAYE TURLEY Relationship: MOTHER
Address: 331 EAST MAPLEWOOD City: SCOTT DEPOT State: WV Zip Code: 25560
Home Phone: (304) 545-5152 Other Phone: (_____) _____

2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

Employer Union Employment Agency Other (Please Specify) _____

Organization Contact Information (If the organization is an employer, provide the address where you actually worked. If you work from home, check here and provide the address of the office to which you reported.) **If more than one employer is involved, attach additional sheets.**

Organization Name: LUPIN PHARMACEUTICALS
Address: 111 S. CALVERT STREET County: _____
City: BALTIMORE State: MD Zip: 21202 Phone: (410) 576-2000
Type of Business: PHARMACEUTICALS Job Location if different from Org. Address: _____
Human Resources Director or Owner Name: KAREN HASSELBECK Phone: 410-576-2000

Number of Employees in the Organization at All Locations: Please Check (✓) One

Fewer Than 15 15 - 100 101 - 200 201 - 500 More than 500

3. Your Employment Data (Complete as many items as you can) Are you a Federal Employee? Yes No

Date Hired: 04/01/2016 Job Title At Hire: SENIOR SALES REPRESENTATIVE
Pay Rate When Hired: 135,000.00 PLUS COMMISSIONS Last or Current Pay Rate: 135,000.00 PLUS COMMISSIONS
Job Title at Time of Alleged Discrimination: SENIOR HOSPITAL SALES REP Date Quit/Discharged: 03/24/2017
Name and Title of Immediate Supervisor: KENNETH HILLIARD

If Job Applicant, Date You Applied for Job 03/15/2016 Job Title Applied For SENIOR HOSPITAL SALES REP

4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

- Race Sex Age Disability National Origin Religion Retaliation Pregnancy Color (typically a difference in skin shade within the same race) Genetic Information; choose which type(s) of genetic information is involved:
 i. genetic testing ii. family medical history iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: _____

If you checked genetic information, how did the employer obtain the genetic information? _____

Other reason (basis) for discrimination (Explain). _____

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.

(Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)

A) Date: 03/24/17 Action: TRIED TO FIRED FOR IMPROPER CALL REPORTING WHEN IN REALITY THE SYSTEM NEVER WORKED. THEY SAID HOLD ON WE WILL FIND ANOTHER REASON IN 2 DAY

Name and Title of Person(s) Responsible: JAMES HASSEL V.P. OF SALES

B) Date: 03/24/17 Action: DAVID RICHARDS DIRECTOR OF IT

Name and Title of Person(s) Responsible: DIDNT HAVE CALL REPORTING SYSTEM WORKING PROPERLY

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

See Attached.

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?

DAVID RICHARDS DIRECTOR OF IT - COLLABORATED WITH HASSEL AND YET THEY NEVER HAD ACCOUNTS ALIGNED PROPERLY. ME AND LILA STILL HAD THE SAME ACCOUNTS. PANKIT SHAW ASST DIRECTOR OF IT. KAREN HASSELBECK DIRECTOR OF HUMAN RESOURCES. TODD SANFT DIRECTOR OF MARKETING. ALL OF THESE INDIVIDUALS COLLABORATED WITH JIM HASSEL TO USE ME AND LILA'S TALENTS TO GET THE BUSINESS GOING AND THEN FIRE US AND REPLACE US WITH YOUNGER WORKERS. THEY USED OUR TALENTS TO "EPI-PEN" THE O.B. MARKETS BEST DRUG. WENT FROM 2.00 TO 60.00 PILL

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated *better* than you?

A. Full Name	Race, sex, age, national origin, religion or disability	Job Title

Description of Treatment

B. Full Name	Race, sex, age, national origin, religion or disability	Job Title

Description of Treatment

Of the persons in the same or similar situation as you, who was treated *worse* than you?

A. Full Name	Race, sex, age, national origin, religion or disability	Job Title
LILA WOLFF	WHITE FEMALE USA	SENIOR HOSPITAL SALES REP

Description of Treatment FIRED HER SAME DAY AS ME, SAME REASONS, DIDNT PAY COMISSIONS AND ALSO GAVE HER NO SEVERENCE. WE BOTH HAD GOOD JOBS BEFORE BE LURED INTO JOINING LUPIN.

B. Full Name	Race, sex, age, national origin, religion or disability	Job Title
KENNETH HILLIARD	WHITE MALEUSA	REGIONAL MANAGER

Description of Treatment FIRED KEN WITH NO REASON, HE WAS TRAVELING WITH HIS WIFE VIA CAR TRYING TO HELP HER WITH HER GRIEF OF AN AUTISTIC SON THAT JUST DIED, THEY SAID HE SHOULD BE FLYING NOT DRI

Of the persons in the same or similar situation as you, who was treated the *same* as you?

A. Full Name	Race, sex, age, national origin, religion or disability	Job Title

Description of Treatment

B. Full Name	Race, sex, age, national origin, religion or disability	Job Title

Description of Treatment

Answer questions 9-12 **only** if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.

9. Please check all that apply:
- Yes, I have a disability
 - I do not have a disability now but I did have one
 - No disability but the organization treats me as if I am disabled

10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).

11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

Yes No

If "Yes," what medication, medical equipment or other assistance do you use?

12. Did you ask your employer for any changes or assistance to do your job because of your disability?

Yes No

If "YES", when did you ask? _____ How did you ask (verbally or in writing)? _____

Who did you ask? (Provide full name and job title of person)

Describe the changes or assistance that you asked for:

How did your employer respond to your request?

13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

A. Full Name	Job Title	Address & Phone Number
KENNETH HILLIARD	REGIONAL MANAGER	CANTON, GA. 678-622-0841

What do you believe this person will tell us?

THAT THE ENTIRE OPERATION WAS DESIGNED TO GET THE TALENTS OF TENURED PEOPLE, THEN FIRE THEM WHILE REPLACING THEM WITH YOUNGER WORKERS, AND MENA WHILE RAPING THE OBSTETRICAL MARKET BY TAKING A GENERIC AND "REBRANDING" IT AND TAKING A 2.00 PILL UP TO 60.00/PILL.

B. Full Name	Job Title	Address & Phone Number
GINA DESTE	SENIOR HOSPITAL SALES REP	818-618-9336 LOS ANGELES CA.

What do you believe this person will tell us?

THAT THE ENTIRE OPERATION WAS DESIGNED TO GET THE TALENTS OF TENURED PEOPLE, THEN FIRE THEM WHILE REPLACING THEM WITH YOUNGER WORKERS, AND MENA WHILE RAPING THE OBSTETRICAL MARKET BY TAKING A GENERIC AND "REBRANDING" IT AND TAKING A 2.00 PILL UP TO 60.00/PILL.

14. Have you filed a charge previously in this matter with EEOC or another agency? Yes No

15. If you have filed a complaint with another agency, provide name of agency and date of filing:

16. Have you sought help about this situation from a union, an attorney, or any other source? Yes No

Provide name of organization, name of person you spoke with and date of contact. Results, if any?

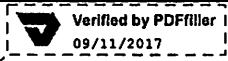
JEFF CASURELLA ATTORNEY AT LAW
2950 ATLANTA ROAD SE, SMYRNA, GA. 30080
PHONE 770-435-2131

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

Box 1 I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

Box 2 I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.

DE Tully
Signature



09/11/2017

Today's Date

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. FORM NUMBER/TITLE/DATE. EEOC Intake Questionnaire (9/20/08).
2. AUTHORITY. 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626. 42 U.S.C. 12117(a), 42 USC §2000ff-6.
3. PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
4. ROUTINE USES. EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters
5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.

6. I am over 40 years of age. I was a pharmaceutical senior sales representative (“sales rep”) for Lupin Pharmaceuticals, Inc., also sometimes referred to as Lupin USA, (“Lupin”) from April 1, 2016 until March 24, 2017.

Disparate treatment. The following indicates disparate treatment orchestrated by Lupin.

I have been in pharmaceutical sales for many years. In my career, I had built-up a substantial amount of sales contacts and I established a good deal of trust and goodwill with my customers. I was hired by Lupin on April 1, 2016 to sell methergine to my existing customer base and contacts. I was made big promises by Lupin that I would make good money if I came aboard.

Methergine is a generic drug used to treat or stop bleeding in the child birthing process. I was an excellent employee for Lupin. I maintained high call averages, I had very positive verbal feedback regarding job performance, and I made my call quotas and sales. I never heard complaints or criticisms about the timeliness of inputting my calls into our software system accessed on my iPad.

But, on March 24, 2017, I was fired by Jim Hassell who was a Senior Vice-President and a superior of mine. Hassel indicated that I was dismissed from Lupin for administrative inefficiencies—essentially low call averages. But that reason was a fabrication. My equipment was faulty (a company iPad), the company’s APP Reporting system had glitches, and a misalignment of sales territories (as decided by my superiors) have been impediments towards me carrying out my normal job duties and functions. These problems were created by Lupin, problems that I had previously complained about. But my complaints fell on deaf ears.

Lupin thereafter advertised for a person between 20-28 years of age to fill my position. The person Lupin hired to fill my position was much younger than me and to my understanding is being paid much less than me.

Lupin feasted upon the instant customer base and associated goodwill that I provided to them. Lupin exploited that goodwill by astronomically jacking up the price of methergine per pill—from \$2.00 to \$60.00 per pill—with no significant changes in the pill’s basic formula, fired me for a fabricated reason, hired someone much younger than me to fill my previous job, and paid that newly hired younger person (to my understanding) *much less* than what I made.

Lupin stereotyped and stigmatized me in my discharge—based on age—by taking an attitude that my work capacity was below that of a younger employee, that I was less adaptable than a younger employee, that I was more or less incapable of learning new things, that I was more resistant to change, and that I was resistant to fall into line with respect to their pharmaceutical pricing practices than a younger employee. Because many of these factors rely upon Lupin personnel for corroboration, an investigation will yield more information on this and perhaps other factors as well.

I was disparately treated compared with younger employees at Lupin. My discharge was a pretext for age discrimination. This along with the above-outlined age-related stereotypes violated the ADEA. Lupin also may be responsible and liable to me for other causes of action.

Disparate Impact. The following indicates disparate impact of age discrimination by Lupin.

Lupin made it a policy or practice to hire experienced, over-40 years of age sales reps, like myself, due primarily to the book of business and goodwill we brought in to Lupin. And as previously indicated, Lupin made big promises that I would make a lot of money if I came aboard to sell methergine.

Nationally, Lupin hired approximately 30 tenured sales reps—*i.e.*, similar to my age and experience—bringing with them a book of business and associated goodwill. These hirings occurred within approximately a year of my hiring, give or take. Then, similar to me, Lupin fired a handful of these sales reps based on trumped-up reasons. The word spread quickly that Lupin had fired these tenured sales reps for false reasons. As result, the remaining tenured reps, not wanting to play a game of Russian Roulette and waiting to be fired, resigned. Of those 30 tenured employees, only 4 remain today. My understanding is that younger less-paid workers replaced these tenured reps. Lupin kept the book of business brought in by these tenured reps. In my years of experience, I have never seen such a turnover.

Lupin has continued to make sales of methergine to the customers and contacts that I and others had initially brought to them. Their company profits have soared. As a seasoned veteran in the industry, I had never seen price increases like these. I believe Lupin wanted to “get rid” of older experienced sales reps, such as myself, because they felt that an older employee would not fall into line on their announced pricing increases.

As a result of Lupin’s policy and practice, I, along with others, have been adversely affected due to my age.

EEOC Form 5 (11/09)

<h3 style="margin:0;">CHARGE OF DISCRIMINATION</h3> <p style="font-size: small; margin:0;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 410-2017-06205
_____ and EEOC <i>State or local Agency, if any</i>	

Name (indicate Mr., Ms., Mrs.) Mr. Dana E. Turley	Home Phone (Incl. Area Code) (404) 915-4122	Date of Birth 1960
Street Address City, State and ZIP Code 1283 Creekside Place Se, Smyrna, GA 30082		

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminate Against Me or Others. (If more than two, list under PARTICULARS below.)

Name LUPIN PHARMACEUTICALS, INC.	No. Employees, Members 500 or More	Phone No. (include Area Code) (410) 516-2000
Street Address City, State and ZIP Code 111 S. Calvert Street #2150 , Baltimore, MD. 21202		

Name	No. Employees, Members	Phone No. (include Area Code)
Street Address City, State and ZIP Code		

DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)	DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 03-24-2017 03-24-2017 <input type="checkbox"/> CONTINUING ACTION
---	--

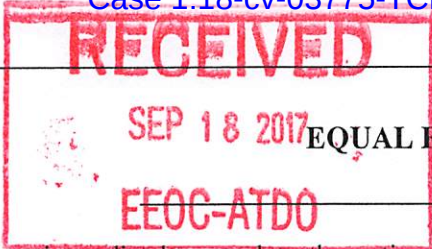
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I began working for the above listed employer on April 01, 2016, as a Senior Hospital Sales Representative. I was discharged on March 24, 2017 and the employer has hired a younger individual as my replacement.

The reason I was told for my discharge was due to policy violations.

I believe that I have been discriminated against because of my age (57) in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
I declare under penalty of perjury that the above is true and correct.	SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)
10/2/2017 Date Charging Party Signature	



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). REMEMBER, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "n/a." Please Print.

1. Personal Information

Last Name: Wolff First Name: Lila MI: A
Street or Mailing Address: 2080 Beacon Hill Way Apt Or Unit #:
City: Alpharetta County: Fulton State: GA ZIP: 30005
Phone Numbers: Home: Work:
Cell: (770) 313-4738 Email Address: lila.wolff@hotmail.com
Date of Birth: 1/17/1964 Sex: Male Female Do You Have a Disability? Yes No

Please answer each of the next three questions.
i. Are you Hispanic or Latino? Yes No
ii. What is your Race? Please choose all that apply. American Indian or Alaska Native Asian White Black or African American Native Hawaiian or Other Pacific Islander
iii. What is your National Origin (country of origin or ancestry)? Western European

Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: Jeff Casurella Relationship: attorney
Address: 2950 Atlanta Road, SE City: Smyrna State: GA Zip Code: 30080
Home Phone: (770) 435-2131 Other Phone:

2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

Employer Union Employment Agency Other (Please Specify)

Organization Contact Information (If the organization is an employer, provide the address where you actually worked. If you work from home, check here and provide the address of the office to which you reported.) If more than one employer is involved, attach additional sheets.

Organization Name: Lupin Pharmaceuticals, Inc. sometimes referred to as Lupin USA
Address: 111 S. Calvert Street, Suite 2150 County:
City: Baltimore State: MD Zip: 21202 Phone: (410) 576-2000
Type of Business: Pharmaceutical Company Job Location if different from Org. Address: Atlanta, GA
Human Resources Director or Owner Name: Karen Hassbeck Phone: 443-835-5979

Number of Employees in the Organization at All Locations: Please Check () One
Fewer Than 15 15 - 100 101 - 200 201 - 500 More than 500

3. Your Employment Data (Complete as many items as you can) Are you a Federal Employee? Yes No

Date Hired: 10/03/2016 Job Title At Hire: Specialty Sales Representative
Pay Rate When Hired: \$110,000/yr Last or Current Pay Rate: \$110,000/yr
Job Title at Time of Alleged Discrimination: Specialty Sales Representative Date Quit/Discharged: 03/24/2017
Name and Title of Immediate Supervisor: Kenneth Hilliard, Regional Manager

If Job Applicant, Date You Applied for Job _____ Job Title Applied For _____

4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

- Race Sex Age Disability National Origin Religion Retaliation Pregnancy Color (typically a difference in skin shade within the same race) Genetic Information; choose which type(s) of genetic information is involved:
 i. genetic testing ii. family medical history iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: _____

If you checked genetic information, how did the employer obtain the genetic information? _____

Other reason (basis) for discrimination (Explain). _____

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.

(Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)

A) Date: 03/24/17 Action: discharged by Jim Hassell, SVP, Brand

Name and Title of Person(s) Responsible: Jim Hassell, SVP Brand

B) Date: Action:

Name and Title of Person(s) Responsible: _____

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

Please see attached.

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?

We were told that we were fired because we weren't entering calls into our system on the day that the physical calls were made, which was never a directive and for which we were never given any warning. The system is set up so that if a clinician is not in your database, you have to manually enter the name and then wait several days for the system to accept them before you can enter the call. The company had many of Dana's clinicians in my territory and vice versa. I asked several times if IT could fix it, and I was told that it would be addressed at the April meeting, the week after Dana and I were fired.

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated better than you?

A. Full Name	Race, sex, age, national origin, religion or disability	Job Title
1/2 of the reps in the company	age	

Description of Treatment

B. Full Name	Race, sex, age, national origin, religion or disability	Job Title

Description of Treatment

Of the persons in the same or similar situation as you, who was treated *worse* than you?

A. Full Name	Race, sex, age, national origin, religion or disability	Job Title
Dana Turley	White male, 56 years old	Specialty Sales Representative

Description of Treatment Same as me, but when dana fought back, Jim told him that they would speak again on Tuesday, and by then they would have something to pin on him. They had already sent us both termination letters before the 3/24/17 calls.

B. Full Name	Race, sex, age, national origin, religion or disability	Job Title
Kenneth Hilliard	White male, over 60 years old	Regional Manager

Description of Treatment The week before Dana and I were fired, Ken was fired for driving to a meeting that he could have flown to. He drove so that he could bring his wife, as they had just lost their son and he didn't want to leave her alone with her grief.

Of the persons in the same or similar situation as you, who was treated the *same* as you?

A. Full Name	Race, sex, age, national origin, religion or disability	Job Title

Description of Treatment

B. Full Name	Race, sex, age, national origin, religion or disability	Job Title

Description of Treatment

Answer questions 9-12 **only** if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.

9. Please check all that apply:
- Yes, I have a disability
 - I do not have a disability now but I did have one
 - No disability but the organization treats me as if I am disabled

10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).

11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

Yes No

If "Yes," what medication, medical equipment or other assistance do you use?

12. Did you ask your employer for any changes or assistance to do your job because of your disability?

Yes No

If "YES", when did you ask? _____ How did you ask (verbally or in writing)? _____

Who did you ask? (Provide full name and job title of person)

Describe the changes or assistance that you asked for:

How did your employer respond to your request?

13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

A. Full Name	Job Title	Address & Phone Number
Kenneth Hilliard	Regional Manager	Canton, GA 678-622-0841

What do you believe this person will tell us?

He will tell you that we had all kinds of IT problems with this software as well as other software that we used. He will tell you that he tried on numerous occasions to get home office to do something about it, but they kept putting him off.

B. Full Name	Job Title	Address & Phone Number
Dana Turley	Specialty Sales Representative	1283 Creekside Place, SE, Smyrna, GA 30082 404-915-4122

What do you believe this person will tell us?

He will tell you the same thing that I told you, except that when he fought back, Jim Hassell told him that they would talk again on Tuesday, and by then they would have something to pin on him to justify his termination.

14. Have you filed a charge previously in this matter with EEOC or another agency? Yes No

15. If you have filed a complaint with another agency, provide name of agency and date of filing:

16. Have you sought help about this situation from a union, an attorney, or any othersource? Yes No

Provide name of organization, name of person you spoke with and date of contact. Results, if any?

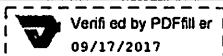
Jeff Casurella, Esq., 2950 Atlanta Rd., Symma, GA 30080, (770) 435-2131. He is working with Dana and me on this matter. He advised us to take this step, as well as others, to ensure that this matter is rectified and that the company will be held accountable for their illegal actions.

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

Box 1 I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

Box 2 I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.

Lila Wolff



Signature

09/17/2017

Today's Date

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. FORM NUMBER/TITLE/DATE. EEOC Intake Questionnaire (9/20/08).
2. AUTHORITY. 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626. 42 U.S.C. 12117(a), 42 USC §2000ff-6.
3. PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
4. ROUTINE USES. EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters
5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.

6. I am over 40 years of age. I was a pharmaceutical special sales representative (“sales rep”) for Lupin Pharmaceutical, Inc., sometimes referred to as Lupin USA, (“Lupin”) from October 3, 2016 until March 24, 2017.

Disparate treatment. The following indicates disparate treatment orchestrated by Lupin.

I was in pharmaceutical sales for 23 years. In my career, I had built-up a substantial amount of sales contacts and I established a good deal of trust and goodwill with my customers. I was hired by Lupin on October 3, 2016 to sell methergine to my existing customer base and contacts. I was made big promises by Lupin that I would make good money if I came aboard.

Methergine is a generic drug used to treat or stop bleeding in the child birthing process. I was an excellent employee for Lupin. I maintained high call averages, I had very positive verbal feedback regarding job performance, and I made my call quotas and sales. I never heard complaints or criticisms about the timeliness of inputting my calls into our software system accessed on my iPad.

But, on March 24, 2017, I was fired by Jim Hassell who was a Senior Vice-President and a superior of mine.

Hassel initially gave as an excuse that I had violated the “sunshine laws” by falsifying my expense reports (specifically, regarding lunches claimed on my expense reports, Hassel accused me of falsifying the presence of various doctors at these lunches). This was untrue. I asked Hassel what proof he had regarding this accusation, namely, “what specific doctor or doctors are you talking about?” But he could not name one doctor. Then I told Hassel that I had the physicians’ actual signatures as proof of their attendance at these lunches. The bottom line was this: My expense reports were done properly and Hassel had no response to my explanation.

His final given reason for my firing—that I was untimely in inputting my calls into the MI software system on the company iPad—was a fabrication. *I did* input my calls into the MI software system in a reasonable and timely fashion. Hassell’s reason for firing me was simply made-up.

Lupin thereafter advertised for a person between 20-28 years of age to fill my position. The person Lupin hired to fill my position was much younger than me and to my understanding is being paid much less than me. An investigation will determine the precise territory that this new employee would cover.

Lupin feasted upon the instant customer base and associated goodwill that I provided to them. Lupin exploited that goodwill by astronomically jacking up the price of methergine per pill—from \$2.00 to \$60.00 per pill—with no significant changes in the pill’s basic formula, fired me for a fabricated reason, hired someone much younger than me to fill my previous job, and paid that newly hired younger person (to my understanding) *much less* than what I made.

Lupin stereotyped and stigmatized me in my discharge—based on age—by taking an attitude that my work capacity was below that of a younger employee, that I was less healthy, that I had to take more time off than a younger employee, that I was less adaptable than a younger

employee, that I was more or less incapable of learning new things, that I was more resistant to change, and that I was resistant to fall into line with respect to their pharmaceutical pricing practices than a younger employee. Because many of these factors rely upon Lupin personnel for corroboration, an investigation will yield more information on this and perhaps other factors as well.

I was disparately treated compared with younger employees at Lupin. My discharge was a pretext for age discrimination. This along with the above-outlined age-related stereotypes violated the ADEA. Lupin also may be responsible and liable to me for other causes of action.

Disparate Impact. The following indicates disparate impact of age discrimination by Lupin.

Lupin made it a policy or practice to hire experienced, over-40 years of age sales reps, like myself, due primarily to the book of business and goodwill we brought in to Lupin. And as previously indicated, Lupin made big promises that I would make a lot of money if I came aboard to sell methergine.

Nationally, Lupin hired approximately 30 tenured sales reps—*i.e.*, similar to my age and experience—bringing with them a book of business and associated goodwill. These hirings occurred within approximately a year of my hiring, give or take. Then, similar to me, Lupin fired several of these sales reps based on trumped-up reasons. The word spread quickly that Lupin had fired these tenured sales reps for false reasons. As result, the remaining tenured reps, not wanting to play a game of Russian Roulette and waiting to be fired, resigned. Of those 30 tenured employees, only a small number remain today. My understanding is that younger less-paid workers replaced these tenured reps. Lupin kept the book of business brought in by these tenured reps. In my years of experience, I have never seen such a turnover.

Lupin has continued to make sales of methergine to the customers and contacts that I and others had initially brought to them. Their company profits have soared. As a seasoned veteran in the industry, I had never seen price increases like these. I believe Lupin wanted to “get rid” of older experienced sales reps, such as myself, because they felt that an older employee would not fall into line on their announced pricing increases.

As a result of Lupin’s policy and practice, I, along with others, have been adversely affected due to my age.

EEOC Form 5 (11/09)

<p>CHARGE OF DISCRIMINATION</p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC</p> <p style="text-align: right;">410-2017-06194</p>
---	--

and EEOC

_____ State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Mrs. Lila Wolff	(770) 313-4738	1964

Street Address _____ City, State and ZIP Code _____

2080 Beacon Hill Way, Alpharetta, GA 30005

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name	No. Employees, Members	Phone No. (Include Area Code)
LUPIN PHARMACEUTICALS, INC.	500 or More	(410) 516-2000

Street Address _____ City, State and ZIP Code _____

111 S. Calvert Street, Suite 2100, Baltimore, MD 21202

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address _____ City, State and ZIP Code _____

<p>DISCRIMINATION BASED ON (Check appropriate box(es).)</p> <p><input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN</p> <p><input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION</p> <p><input type="checkbox"/> OTHER (Specify) _____</p>	<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <table style="width:100%;"> <tr> <td style="text-align: center;">Earliest</td> <td style="text-align: center;">Latest</td> </tr> <tr> <td style="text-align: center;">03-24-2017</td> <td style="text-align: center;">03-24-2017</td> </tr> </table> <p><input type="checkbox"/> CONTINUING ACTION</p>	Earliest	Latest	03-24-2017	03-24-2017
Earliest	Latest				
03-24-2017	03-24-2017				

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began working for the above listed employer on October 03, 2016, as a Specialist Sales Representative. I was discharged on March 24, 2017 and the employer has hired a younger individual as my replacement.

The reason I was told for my discharged was due to policy violations.

I believe that I have been discriminated against because of my age (53), in violation of the Age Discrimination in Employment Act of 1967, as amended.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the above is true and correct.</p>	<p>NOTARY – When necessary for State and Local Agency Requirements</p> <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>
<p><u>9/28/17</u> <u>L. Wolff</u></p> <p style="text-align: center;">Date Charging Party Signature</p>	

Exhibit 2



Attorneys at Law

JEFFREY G. CASURELLA
jeff@cochranedwardslaw.com

May 11, 2018

VIA EMAIL ONLY sinndy.canot@eoc.gov

Sinndy Canot
Investigator
U.S. Equal Employment Opportunity Commission
Sam Nunn Atlanta Federal Center
100 Alabama Street, SW, Suite 4R30
Atlanta, GA 30303

RE: Charging Party: Dana Turley
Respondent: Lupin Pharmaceuticals, Inc.
Charge No. 410-2017-06205
Subject: Request to Conclude Investigation/Right to Sue Letter
Statute Violation: Age Discrimination in Employment Act, 29 U.S.C. § 621 *et. seq.*

Dear Sinndy:

Regarding the above-referenced matter, we ask that the EEOC conclude its investigation and stop all administrative processes. We intend to file suit in U.S. District Court. Please issue a right to sue letter.

Sinndy, I have enjoyed working with you. On behalf of Dana and myself, thank you for your consideration of this matter.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'Jeff', with a long horizontal stroke extending to the right.

Jeffrey G. Casurella

JGC/pam



Attorneys at Law

JEFFREY G. CASURELLA
jeff@cochranedwardsllaw.com

May 11, 2018

VIA EMAIL ONLY thomas.roe@eoc.gov

T.D. Roe
Investigator
U.S. Equal Employment Opportunity Commission
Sam Nunn Atlanta Federal Center
100 Alabama Street, SW, Suite 4R30
Atlanta, GA 30303

RE: Charging Party: Lila Wolff
Respondent: Lupin Pharmaceuticals, Inc.
Charge No. 410-2017-06194
Subject: Request to Conclude Investigation/Right to Sue Letter
Statute Violation: Age Discrimination in Employment Act, 29 U.S.C. § 621 *et. seq.*

Dear Tom:

Regarding the above-referenced matter, we ask that the EEOC conclude its investigation and stop all administrative processes. We intend to file suit in U.S. District Court. Please issue a right to sue letter.

Tom, I have enjoyed working with you. On behalf of Lila and myself, thank you for your consideration of this matter.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'JGC', with a long horizontal stroke extending to the right.

Jeffrey G. Casurella

JGC/pam

JS44 (Rev. 6/2017 NDGA)

CIVIL COVER SHEET

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

<p>I. (a) PLAINTIFF(S)</p> <p>DANA TURLEY and LILA WOLFF, Individually and on Behalf of Others Similarly Situated,</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>Cobb</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small></p>	<p>DEFENDANT(S)</p> <p>LUPIN PHARMACEUTICALS, INC.,</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>Gwinnett</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small></p> <p><small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>
<p>(c) ATTORNEYS <small>(FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)</small></p> <p>Jeffrey G. Casurella, Esq. Randy Edwards, Esq. Cochran & Edwards 2950 Atlanta Road Smyrna, GA 30080</p>	<p>ATTORNEYS <small>(IF KNOWN)</small></p>

II. BASIS OF JURISDICTION
(PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. GOVERNMENT PLAINTIFF	<input checked="" type="checkbox"/> 5 FEDERAL QUESTION <small>(U.S. GOVERNMENT NOT A PARTY)</small>
<input type="checkbox"/> 2 U.S. GOVERNMENT DEFENDANT	<input type="checkbox"/> 4 DIVERSITY <small>(INDICATE CITIZENSHIP OF PARTIES IN ITEM III)</small>

III. CITIZENSHIP OF PRINCIPAL PARTIES
(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(FOR DIVERSITY CASES ONLY)

<small>PLF</small>	<small>DEF</small>	<small>PLF</small>	<small>DEF</small>	
<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6	FOREIGN NATION

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 ORIGINAL PROCEEDING	<input type="checkbox"/> 2 REMOVED FROM STATE COURT	<input type="checkbox"/> 3 REMANDED FROM APPELLATE COURT	<input type="checkbox"/> 4 REINSTATED OR REOPENED	<input type="checkbox"/> 5 TRANSFERRED FROM ANOTHER DISTRICT <small>(Specify District)</small>	<input type="checkbox"/> 6 MULTIDISTRICT LITIGATION - TRANSFER	<input type="checkbox"/> 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
<input type="checkbox"/> 8 MULTIDISTRICT LITIGATION - DIRECT FILE						

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Age Discrimination in Employment Act 29 U.S.C. §§621, et seq.

(IF COMPLEX, CHECK REASON BELOW)

- | | |
|---|---|
| <input type="checkbox"/> 1. Unusually large number of parties. | <input type="checkbox"/> 6. Problems locating or preserving evidence |
| <input type="checkbox"/> 2. Unusually large number of claims or defenses. | <input type="checkbox"/> 7. Pending parallel investigations or actions by government. |
| <input type="checkbox"/> 3. Factual issues are exceptionally complex | <input type="checkbox"/> 8. Multiple use of experts. |
| <input type="checkbox"/> 4. Greater than normal volume of evidence. | <input type="checkbox"/> 9. Need for discovery outside United States boundaries. |
| <input type="checkbox"/> 5. Extended discovery period is needed. | <input type="checkbox"/> 10. Existence of highly technical issues and proof. |

CONTINUED ON REVERSE

FOR OFFICE USE ONLY			
RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ <small>(Referral)</small>	NATURE OF SUIT _____	CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

- CONTRACT - "0" MONTHS DISCOVERY TRACK**
- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
 - 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
 - 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

- CONTRACT - "4" MONTHS DISCOVERY TRACK**
- 110 INSURANCE
 - 120 MARINE
 - 130 MILLER ACT
 - 140 NEGOTIABLE INSTRUMENT
 - 151 MEDICARE ACT
 - 160 STOCKHOLDERS' SUITS
 - 190 OTHER CONTRACT
 - 195 CONTRACT PRODUCT LIABILITY
 - 196 FRANCHISE

- REAL PROPERTY - "4" MONTHS DISCOVERY TRACK**
- 210 LAND CONDEMNATION
 - 220 FORECLOSURE
 - 230 RENT LEASE & EJECTMENT
 - 240 TORTS TO LAND
 - 245 TORT PRODUCT LIABILITY
 - 290 ALL OTHER REAL PROPERTY

- TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK**
- 310 AIRPLANE
 - 315 AIRPLANE PRODUCT LIABILITY
 - 320 ASSAULT, LIBEL & SLANDER
 - 330 FEDERAL EMPLOYERS' LIABILITY
 - 340 MARINE
 - 345 MARINE PRODUCT LIABILITY
 - 350 MOTOR VEHICLE
 - 355 MOTOR VEHICLE PRODUCT LIABILITY
 - 360 OTHER PERSONAL INJURY
 - 362 PERSONAL INJURY - MEDICAL MALPRACTICE
 - 365 PERSONAL INJURY - PRODUCT LIABILITY
 - 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
 - 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

- TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK**
- 370 OTHER FRAUD
 - 371 TRUTH IN LENDING
 - 380 OTHER PERSONAL PROPERTY DAMAGE
 - 385 PROPERTY DAMAGE PRODUCT LIABILITY

- BANKRUPTCY - "0" MONTHS DISCOVERY TRACK**
- 422 APPEAL 28 USC 158
 - 423 WITHDRAWAL 28 USC 157

- CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK**
- 440 OTHER CIVIL RIGHTS
 - 441 VOTING
 - 442 EMPLOYMENT
 - 443 HOUSING/ ACCOMMODATIONS
 - 445 AMERICANS with DISABILITIES - Employment
 - 446 AMERICANS with DISABILITIES - Other
 - 448 EDUCATION

- IMMIGRATION - "0" MONTHS DISCOVERY TRACK**
- 462 NATURALIZATION APPLICATION
 - 465 OTHER IMMIGRATION ACTIONS

- PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK**
- 463 HABEAS CORPUS- Alien Detainee
 - 510 MOTIONS TO VACATE SENTENCE
 - 530 HABEAS CORPUS
 - 535 HABEAS CORPUS DEATH PENALTY
 - 540 MANDAMUS & OTHER
 - 550 CIVIL RIGHTS - Filed Pro se
 - 555 PRISON CONDITION(S) - Filed Pro se
 - 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

- PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK**
- 550 CIVIL RIGHTS - Filed by Counsel
 - 555 PRISON CONDITION(S) - Filed by Counsel

- FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK**
- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
 - 690 OTHER

- LABOR - "4" MONTHS DISCOVERY TRACK**
- 710 FAIR LABOR STANDARDS ACT
 - 720 LABOR/MGMT. RELATIONS
 - 740 RAILWAY LABOR ACT
 - 751 FAMILY and MEDICAL LEAVE ACT
 - 790 OTHER LABOR LITIGATION
 - 791 EMPL. RET. INC. SECURITY ACT

- PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK**
- 820 COPYRIGHTS
 - 840 TRADEMARK

- PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK**
- 830 PATENT
 - 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - n/k/a Hatch-Waxman cases

- SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK**
- 861 HIA (1395f)
 - 862 BLACK LUNG (923)
 - 863 DIWC (405(g))
 - 863 DIWW (405(g))
 - 864 SSID TITLE XVI
 - 865 RSI (405(g))

- FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK**
- 870 TAXES (U.S. Plaintiff or Defendant)
 - 871 IRS - THIRD PARTY 26 USC 7609

- OTHER STATUTES - "4" MONTHS DISCOVERY TRACK**
- 375 FALSE CLAIMS ACT
 - 376 Qui Tam 31 USC 3729(n)
 - 400 STATE REAPPORTIONMENT
 - 430 BANKS AND BANKING
 - 450 COMMERCE/ICC RATES/ETC.
 - 460 DEPORTATION
 - 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
 - 480 CONSUMER CREDIT
 - 490 CABLE/SATELLITE TV
 - 890 OTHER STATUTORY ACTIONS
 - 891 AGRICULTURAL ACTS
 - 893 ENVIRONMENTAL MATTERS
 - 895 FREEDOM OF INFORMATION ACT
 - 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
 - 950 CONSTITUTIONALITY OF STATE STATUTES

- OTHER STATUTES - "8" MONTHS DISCOVERY TRACK**
- 410 ANTITRUST
 - 850 SECURITIES / COMMODITIES / EXCHANGE

- OTHER STATUTES - "0" MONTHS DISCOVERY TRACK**
- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

- CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____
- JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD _____

DATE _____

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims Lupin Pharmaceuticals Prone to Firing Over-40 Employees After Poaching Them Away from Previous Jobs](#)
