

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

KATHLEEN BREEN, <i>et al.</i> , Plaintiffs,)	
)	
)	
v.)	
)	Civil Action No. 05-cv-654 (PLF)
ELAINE CHAO, SECRETARY OF TRANSPORTATION, DEPARTMENT OF TRANSPORTATION, <i>et al.</i> ,)	
)	
Defendants.)	

SECOND AMENDED COMPLAINT

1. By and through undersigned counsel, Plaintiffs hereby add the following Plaintiffs¹, pursuant to the March 27, 2018, Order of this Court (Dkt. No. 379) and Federal Rule of Civil Procedure 20:

Maurice J. Aytes
111-41 178th Place
Addisleigh Park, NY 11433

Norman DeShon*
1831 Highway Avenue NE
Salem, OR 97301

Anthony T. Flynn
1600 Chase Oaks Drive
Keller, TX 76248

¹ Plaintiffs whose names are marked with an asterisk were not part of the Court’s Order of March 27, 2018 (Dkt. No. 379). They are similarly situated to those with whom they are listed, in that they moved for joinder or intervention with the 15 Plaintiffs named in the Order, and for reconsideration of the initial denial of joinder or intervention by Judge Roberts. They are the subject of a Motion for Reconsideration filed simultaneously with this Second Amended Complaint.

Rodney A. Green
4840 West Howe Road
DeWitt, MI 48820

Richard A. Hensley*
3955 Zodiacal Light Street
Las Vegas, NV 89129

Dave D. Herner
410 Minnie Avenue
Wilton, ND 58579

James R. McNealy
8882 SW 229th Street
Cutler Bay, FL 33190

Maurice E. Michaud*
116 S. Levant Road
Levant, ME 04456

Ghassen Nasser
2807 Manning Drive
Trinity, FL 34655

Chris S. Novak
48060 Woken Court
Kenai, AK 99611

Donald J. Peters
226 Harris Road
Fayetteville, GA 30215

Richard Piotrowiak
660 Kathy Drive
Bourbonnais, IL 60914

Isiah Richardson, Jr.
14439 S. Bensley Street
Burnham, IL 60633

Stephen E. Savino
1623 Kawati Way
Krum, TX 76249

Frank Sorich
1424 Mesa Flats Drive
Haslet, TX 76052

Frank Spina
323 W. Katmai Avenue
Soldotna, AK 99669

Janice Sykes
PO Box 340
Kenai, AK 99611

Bernard Wood
6651 Canterbury Drive
Frisco, TX 75035

2. Prior to October 3, 2005, all of the Plaintiffs named herein were employed as Air Traffic Control Specialists in the Flight Service component of the FAA, and were on that date over 40 years of age.

3. All of the factual allegations and legal contentions of the First Amended Complaint, filed June 24, 2005 (Dkt. No. 3) are incorporated by reference into this Second Amended Complaint.

Plaintiffs conferred with Defendants regarding this Motion, and Defendants state as follows: “Although Defendants do not intend to file an opposition to Plaintiffs’ motion to amend their complaint to add the three identified individuals as plaintiffs, Defendants continue to believe that such joinder is inappropriate for the reasons articulated in Defendants’ opposition to Plaintiffs’ motion to reconsider denial of joinder or intervention. *See* Dkt. No. 331.”

Prayer for Relief

WHEREFORE, Plaintiffs respectfully request this Court to:

- a. Award appropriate back pay and benefits, front pay, and record correction to the Plaintiffs;

- b. Award reasonable attorney's fees and expenses of bringing this action and the earlier administrative action; and
- c. Order such other and further relief as the Court deems just and proper.

Respectfully submitted,

/S/ MICHAL SHINNAR

Michal Shinnar, Esq.

Bar No. MD0033

GILBERT EMPLOYMENT LAW, P.C.

1100 Wayne Avenue, Suite 900

Silver Spring, MD 20910

Tel: (301) 608-0880

Fax: (301) 608-0881

mshinnar-efile@gelawyer.com

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via the CM/ECF electronic filing system on this 10th day of April, 2018, and thereby served upon the parties and/or their counsel. The following individuals, who are not served via the CM/ECF electronic filing system, were served via first-class mail:

TOM DOMINGO
RR2 Box 228 Gilman Road
Elkins, WV 26241

JULIA GREENWAY
5912 Cove Landing Road, Unit 302
Burke, VA 22105

By: **/S/ MICHAL SHINNAR**
Michal Shinnar, Esq.
GILBERT EMPLOYMENT LAW, P.C.
1100 Wayne Avenue, Suite 900
Silver Spring, MD 20910
Telephone: (301) 608-0880
Facsimile: (301) 608-0881