

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

John P. Brennan, Jr.
Attorney at Law
Avon Professional Building
43 Main Street, Suite 1B
Avon-by-the-Sea, New Jersey 07717
Attorney for plaintiff, Edward F. Bals

EDWARD F. BALS	:
Plaintiff	:
v	:Civil Action No.
	:
TRUMP NATIONAL GOLF CLUB	:
COLTS NECK LLC, JOHN DOES 1-10	:
AND ABC CORP 1-10	:
Defendant	: COMPLAINT AND JURY DEMAND
	: Document Electronically Filed

By his counsel, John P. Brennan, Jr., Esquire, plaintiff, Edward F. Bals, residing at 33 Central Boulevard, Brick, New Jersey 08724 by way of Complaint against defendant, Trump National Golf Club Colts Neck LLC, that the defendant discriminated against plaintiff on the basis of his age in violation of Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. § 623 and New Jersey Law Against Discrimination, N.J.S.A. 10:5-1. Plaintiff, with more particularity, says:

THE PARTIES

1. Plaintiff, Edward F. Bals, residing at 33 Central Boulevard, Brick, New Jersey 08724 was an employee of defendant, Trump National Golf Club Colts Neck LLC, for all periods relevant to this Complaint.
2. Defendant, Trump National Golf Club Colts Neck LLC, (“Trump National”) is a Delaware limited liability company registered to do business in New Jersey with a main office at 725 5th Avenue, 26th Floor, New York, New York 10022 and with a Registered Agent, National

Registered Agents, Inc. of NJ, 100 Canal Pointe Boulevard, Suite 108, Princeton, New Jersey 08540. Trump National owns and operates a golf course known as Trump National at Colts Neck, (“Golf Course”), 1 Trump National Boulevard, Colts Neck, New Jersey 07722. Trump National was the employer of the plaintiff, Edward F. Bals, for all periods relevant to this Complaint.

3. Defendants, John Does 1-10 and ABC Corp 1-10, fictitious names, true names and addresses presently unknown, were the employer of the plaintiff for all periods relevant to this Complaint, or other agent, officer, manager or person otherwise liable to plaintiff under the causes of action set forth herein.

JURISDICTION

4. This Complaint raises federal questions stemming from the defendant’s violation of the Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. § 623. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343(4). With respect to the ancillary claim, this Court has pendent jurisdiction over them pursuant to 28 U.S.C. § 1367 as they arise from the same nucleus of operative facts as the claims for which federal jurisdiction has been properly asserted. Finally, as all the parties reside or conduct their business in this judicial district, the Court has personal jurisdiction over each of them.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b).

FACTUAL AVERMENTS

6. Plaintiff, Edward F. Bals, DOB, _____, age 79, was hired by the defendant, Trump National on or about September 2008 when Trump National purchased the Golf Course from Shadow Island Golf Club. Plaintiff was an employee at Shadow Island. For both employers plaintiff was

the manager of the locker room. As Manager of locker room, Plaintiff managed the members lockers, their equipment, clothing, the showers, shower amenities, and performed assorted other tasks on as needed basis.

7. Since his initial hire, Plaintiff worked for Trump National as a “seasonal, full-time” employee as the Golf Course was open for operation annually March to November. Each year, Plaintiff was rewarded with an annual bonus for exemplary work. Plaintiff was never criticized in any annual or other periodic review. Plaintiff was never disciplined for anything. Plaintiff never missed a days work. Plaintiff was never late. Plaintiff never called in sick. Plaintiff maintained an excellent professional relationship with of the Golf Course members. Plaintiff was repeatedly commended for his job performance.

8. In February 2013, plaintiff was discharged.

FIRST COUNT

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (“ADEA”), 29 U.S.C. § 623.

9. The plaintiff, Edward F. Bals, reiterates and re-alleges each of the allegations set forth in Paragraphs 1 through 8 as if set forth more fully here.

13. Plaintiff was over 40 years of age at the time of his discharge.

14. Plaintiff was qualified for his position as Manager of the Golf Course Locker Room.

15. Plaintiff suffered an adverse employment decision.

16. Plaintiff was replaced in Trump National’s employment system by persons of sufficiently younger age to permit a reasonable inference of employment discrimination.

17. Defendants actions were willful.

WHEREFORE, plaintiff, Edward F. Bals, demands judgment against the defendant, Trump

National Golf Club Colts Neck LLC, John Does 1-10 and ABC Corp 1-10, jointly and severally for:

- a. Preliminary and permanent injunctive relief requiring the defendant to restore Mr. Bals to his employment, without loss of seniority or benefit and with full reimbursement of back wages and prohibiting the defendants from future acts of discrimination;
- b. Damages, compensatory, liquidated and incidental
- c. Statutory attorneys fees;
- d. Interest - prejudgment and post-judgment;
- e. Costs of suit;
- f. Such other relief as the Court deems equitable and just.

SECOND COUNT

NEW JERSEY LAW AGAINST DISCRIMINATION N.J.S.A. 10:5-1 et seq.

18. The plaintiff, Edward F. Bals, reiterates and re-alleges each of the allegations set forth in Paragraphs 1 through 17 as if set forth more fully here.

19. Mr. Bals is a member of a “protected group” and is a protected “employee” and defendants are covered “employer” for purposes of applying the New Jersey Law Against Discrimination.

20. Mr. Bals was qualified for his job and his job performance met the legitimate expectations of his employer, the defendants.

21. Defendants discriminated and committed unlawful employment practices against Mr. Bals, including termination, based upon his age.

22. The defendants sought candidates to replace and did replace Mr. Bals.

23. Defendants' conduct constitutes a violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1.

24. Defendants' conduct violates the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1.

WHEREFORE, plaintiff, Edward F. Bals, demands judgment against the defendant, Trump National Golf Club Colts Neck LLC, John Does 1-10 and ABC Corp 1-10, jointly and severally, for:

- a. Preliminary and permanent injunctive relief requiring the defendant to restore Mr. Bals to his employment, without loss of seniority or benefit and with full reimbursement of back wages and prohibiting the defendants from future acts of discrimination;
- b. Damages, compensatory, punitive and incidental
- c. Statutory attorneys fees;
- d. Interest - prejudgment and post-judgment;
- e. Costs of suit;
- f. Such other relief as the Court deems equitable and just.

JURY DEMAND

Plaintiff, Edward F. Bals, demands a trial by jury on all issues so triable.

Dated: September 29, 2014

/s/

John P. Brennan, Jr.
Attorney for plaintiff, Edward F. Bals