

2. This Court has subject matter jurisdiction over the cause of action pursuant to 28 U.S.C. §§1331, 1343, 1367, and 29 U.S.C. § 2601.
3. Plaintiff has fulfilled all conditions precedent to the institution of this action. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) (Charge No. 420-2024-00770) on September 26, 2023, alleging discrimination based on age. On March 22, 2024, the EEOC issued a Determination and Notice of Rights. Plaintiff files

this action within ninety (90) days of her receipt of same.

4. The Defendant does business within this judicial district and division. This action is brought within the judicial district wherein the unlawful employment practices were committed, making venue proper under 28 U.S.C. § 1391(b).

PARTIES

5. Plaintiff, Amanda L. McCormick, is a fifty-four year-old Caucasian female resident of the State of Alabama and is domiciled in this judicial district and division. At all times material herein, she was an employee of Defendant within the meaning of the ADEA.
6. Defendant, Cullman Regional Medical Center, is a medical center and hospital in Cullman, Alabama. At all times material herein, it was the employer of Plaintiff within the meaning of the ADEA.

STATEMENT OF FACTS

7. Plaintiff is a fifty-four year-old female who started work at Cullman Regional Medical Center (RMC) in June of 2018 as a PRN, making approximately \$24/hour with no benefits. In November of 2019, she became an RN, which entitled her to health insurance, life insurance, vision and dental care, and retirement benefits. Her hourly rate was later increased to \$26, and she also received disability insurance. She has an AA degree in nursing from Wallace State Community College and had a good progression at RMC in terms of her position and pay. At termination, on March 31, 2023, she was the oldest nurse in her group.
8. Ms. McCormick worked in cardiology, with 600 patients with internal cardiac monitors (pacemakers, defibrillators, and loop recorders (an internal monitor)). A year earlier, she had fewer patients, about 580-90. All the other nurses called her “momma.” In addition to her 600 patients in cardiology, all of the other, younger, nurses came to her from time to time

for advice on how to handle particular matters.

9. Representatives from the two largest medical device companies with which McCormick dealt, Medtronic and St. Jude, often told her that they had clinics smaller than RMC, with fewer patients than McCormick serviced, at which two people did what McCormick did in monitoring the devices for 600 patients. If RMC found itself short-staffed, it would pull McCormick into other jobs, in addition to her cardiology unit tasks. On Christmas day, two years in a row, McCormick and Brandy Howard were the only nurses there.
10. Ms. McCormick had never been written up or disciplined, and on March 15, she received a positive evaluation. Yet, on March 31, Barbara Estes from HR and Schinley Land, director of the medical group, presented McCormick with a memorandum (dated the previous day) terminating her. They indicated she was being terminated because of low patient volume and minimal funding-notwithstanding that Ms. McCormick's cardiology patient load had actually increased from the previous year. The memorandum listed six Clinical RNs by position and age. McCormick was the oldest in the group, and the only one terminated. One retained nurse was 28 years her junior, one was twenty years younger, one was 18 years younger, and one was 12 years younger.
11. Ms. McCormick believes her rights under the Age Discrimination in Employment Act of 1967 have been violated, and the reasons given for her termination were pretextual.

COUNT I

AGE DISCRIMINATION

12. Plaintiff adopts and realleges each and every allegation contained in this Complaint as if set out anew herein.
13. This is a claim against Defendant arising out of the Age Discrimination in Employment Act

of 1967, 29 U.S.C. §§ 621-634, on the basis of discrimination in the workplace.

14. By the disparate treatment of Plaintiff detailed above regarding ageist comments made to Plaintiff in the workplace, her termination, and the failure of Defendant to terminate younger employees, Plaintiff's rights have been violated under the ADEA. She has suffered and will continue to suffer damages to her professional life and future career opportunities, inconvenience, mental anguish, and non-pecuniary damages.

15. Plaintiff seeks declaratory and injunctive relief, and the award of compensatory damages, to include:

- a. Reinstatement to the position she held prior to her wrongful termination or, in lieu thereof, front pay;
- b. Back pay from the date of her wrongful termination;
- c. All benefits to which she was entitled while employed;
- d. Liquidated damages;
- e. Interest;
- f. Attorney's fees and costs; and
- g. Any further, different, or additional relief to which she may be entitled.

PLAINTIFF DEMANDS A TRIAL BY A STRUCK JURY ON ALL CLAIMS SO TRIABLE.

Respectfully submitted,

/s/ John D. Saxon

John D. Saxon
Alabama State Bar No.
ASB3258071J
Attorney for Plaintiff

OF COUNSEL

John D. Saxon, Esq.

JOHN D. SAXON, P.C.

2119 3rd Avenue North

Birmingham, AL 35203

(205) 324-1039

jsaxon@saxonattorneys.com

PLAINTIFF'S ADDRESS

Amanda L. McCormick

c/o John D. Saxon, Esq.

JOHN D. SAXON, P.C.

2119 3rd Avenue North

Birmingham, AL 35203

(205) 324-1039

jsaxon@saxonattorneys.com

**PLEASE SERVE DEFENDANT BY CERTIFIED MAIL,
RETURN RECEIPT REQUESTED, AS FOLLOWS:**

CULLMAN REGIONAL MEDICAL CENTER

1912 Alabama Highway 157

Cullman, AL 35058

/s/ John D. Saxon

OF COUNSEL