

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

\_\_\_\_\_  
WILLIAM DOUGLAS FULGHUM, )  
DORSEY DANIEL, JOHN DOUGLAS )  
HOLLINGSWORTH, WILLIE DORMAN, )  
ROBERT E. KING, CALVIN BRUCE JOYNER, )  
TIMOTHY DILLON, SUE BARNES, )  
WILLIAM GAMES, BETSY BULLOCK, )  
KENNETH A. CARPENTER, BETTY A. )  
CARPENTER, CARL W. SOMDAHL, )  
WILLIAM F. DUGGER, WANDA W. SHIPLEY, )  
DONALD RAY CLARK, CURTIS C. PITTMAN, )  
JAMES WOODIE BRITT, LAUDIE COLON )  
MCLAURIN and JOHN LEE BURGESS, )  
Individually and on behalf of all others similarly )  
situated, )

and )

FAYE P. ABBOTT, JUDITH R. ADAMS, )  
LOIS J. AINSLEY, ROBERT D. )  
ALDRIDGE, JAMES L. ALFORD, MARY S. )  
ALLEN, JOHNNY W. ALLEN, THOMAS G. )  
ALLGOOD, JR., EVELYN A. ALLIGOOD, )  
ESTATE OF HENRY W. AMMONS, CLARA )  
W.L. ANDERSON, MARY ELLEN ANDERSON, )  
ANZILIA K. ANDERSON, HOWARD D. )  
ARMSTRONG, DONALD E. ARMSTRONG, )  
JAMES E. ARMSTRONG, MICHAEL L. )  
ATKINSON, DWIGHT C. AUTRY, LILA H. )  
AUTRY, CHARLES E. AUTRY, JAMES L. )  
AUTRY, W.J. AVENT, EFFIE H. AVERY, )  
JANIE B. AYERS, GEORGE W. BAILEY, )  
LOUGH MASSEY BAKER, JOSEPH K. BAKER, )  
OPHELIA H. BAKER, SHELBY M. BAKER, )  
RUFUS JAMES BAKER, MARY HARRELL )  
BAKER, JOHNNY PRESTON BAKER, )  
WILLIAM A. BAKER, CLIFFORD E. BALL, )  
NAOMI M. BALL, THOMAS V. BARDEN, )  
KATIE COOK BARNES, WILLIE E. BARNES, )  
THOMAS SCOTT BARNES, JUDITH W. )  
BASNIGHT, GERALD BASS, VERONA W. )  
BASS, CAROLYN J. BATCHELOR, )  
FRANCES L. BATTS, GERALD C. BATTS, )

**CIVIL ACTION  
CASE NO. 07-2602 (EFM)**

**THIRD  
AMENDED COMPLAINT -  
CLASS ACTION**

**JURY TRIAL DEMANDED**

MARY P. BATTS, MADELINE B. BEACH, )  
 CARL BEACHAM, JR., LINDA C. BEAMAN, )  
 NOAH ALFRED BEAMON, JENETTE C. BELL, )  
 V. ALLEN BENDER, III, JOHN O. BENSON, )  
 PEGGY J. BIGGS, RONNIE BILL, L.S. BLADES, )  
 III, ESSIE L. BLALOCK, CURTIS W. BLAND, )  
 WYNONA H. BLOUNT, MEL STEVEN )  
 BOBBITT, JOHNNY D. BORDEAUX, ANN L. )  
 BOYETTE, JACK H. BOYETTE, GERALDINE E.)  
 BOYETTE, MARY B. BOYKIN, MARIAN E. )  
 BRACY, JOYCE C. BRACY, THELMA )  
 ROBBINS BRADDY, JANICE C. BRADDY, )  
 CLAUDE BRADDY, JR., STEVEN P. BRADLEY,)  
 JEAN T. BRADSHAW, EDWARD R. BRADY, )  
 MARY ANN BRAME, CHARLES M. )  
 BRATCHER, JOSEPHINE S. BRATCHER, )  
 LINDA G. BREWER, JAMES WOODIE BRITT, )  
 MARY E. BRITTON, AUDREY A. BROWN, )  
 HENRY W. BROWN, WILLIAM P. BROWN, )  
 GRAHAM T. BROWN, CAROL J. BROWN, )  
 JANICE BROWN, EDDIE R. BROWN, GORDON )  
 D. BRUNSON, MARIE W. BUCKNAM, )  
 GENEVA E. BULLOCK, MATTIE J. BULLOCK, )  
 PATRICIA W. BUNCH, TONY A. BUNCH, )  
 CAROL S. BURCHETTE, JOHN LEE BURGESS, )  
 JAMES F. BURNETTE, ETHEL A. BURNS, )  
 CLAYTON O. BURRISS, JR., DIAMOND H. )  
 BUTLER, FRANKLIN D. BUTLER, )  
 DOROTHY G. BUTLER, ROBERT C. BYRD, )  
 RUTH M. CAGLE, BERTHA S. CAMPBELL, )  
 SHIRLEY G. CANADY, KERRY W. CARAWAN,)  
 DANIEL H. CARLISLE, STANTON R. CARNES, )  
 ESTATE OF MILTON R. CARPENTER, BETTY )  
 M. CARR, DOLORES P. CARRAWAY, LINDA )  
 K. CARROLL, LUCILLE H. CARTA, CARL RAY )  
 CARTER, MELVIN S. CARTER, BERNARD )  
 JOHN CARTER, JR., LOIS ANN CARVER, )  
 BOBBY B. CASHWELL, GLENN M. )  
 CAUSWAY, JOHN W. CHERRY, LINDA W. )  
 CHESSON, BETTY W. CHESSON, EILEEN L. )  
 CHILDERS, ANN P. CHIPPS, DAISY A. CLARK,)  
 DONALD R. CLARK, DONALD E. CLARK, )  
 ROBERT L. CLEGG, SHIRLEY W. CLELAND, )  
 CULLEN COBB, JR., EARL G. COBLE, JOSIE D.)  
 COFIELD, ANNIE M. COGGINS, COLLEEN H. )  
 COKER, NAOMI M. COKER, ALVIN L. COLEY,)

LINDA C. COLEY, VICTORIA C. COLLINS, )  
RAYMOND A. COLLINS, JOYCE L. CONNOR, )  
NANCY D. COOK, CARL T. COOLEY, )  
WILLIAM H. COOLEY, ANN G. COOPER, )  
CHARLES W. COOPER, CALLIE L. COOPER, )  
EDWARD G. COREY, JAMES H. COUNCIL, )  
DOLLY E. COX, WALTER L. CRATCH, )  
JOHN W. CRAVER, HENRY E. CREEL, )  
ARVEY O. CROCKER, JR., SHELBY A. )  
CROOM, MELVIN D. CRUMPLER, MARSHALL )  
W. CRUMPLER, NANCY R. CURTIS, HAROLD )  
B. CUTLER, JACK E. CUTLER, VERNON R. )  
DAIL, ADA F. DANIEL, TERRY F. DANIELS, )  
ULYSS GLENN DAUGHTRIDGE, BELVA J. )  
DAVENPORT, SHELBY F. DAVENPORT, )  
BILLY E. DAVIDSON, ROBERT I. DAVIS, )  
SELMA W. DAVIS, HINTON CARLTON DAVIS,) )  
HELEN I. DAVIS, LESLY B. DAVIS, VIVIAN W.) )  
DAVIS, JACK D. DAWSON, BETTY W. DEAL, )  
WALTER F. DEAL, JANIS S. DEMPSTER, )  
BETTY JEAN DENNIE, BOBBY C. DENNIE, )  
MARCELENE D. DENNY, RICHARD H. )  
DENTON, GRACE J. DEVANE, EDWARD M. )  
DICKENS, MARGARET S. DILDY, CHARLES T.) )  
DORMAN, PAUL D. DORMAN, GORDON H. )  
DOUGHTIE, LENA W. DOUGHTIE, MARTHA )  
M. DOUGLAS, ISABEL DOWNING, EUGENE F.) )  
DOZIER, WILLIAM P. DUCKETT, JR., GEORGE )  
F. DUKE, JULIA J. DUKE, LOIS W. DUNN, )  
BOBBY E. DUNN, ROBERT W. DUVALL, )  
DOLLY O. EASTWOOD, BILLY Y. EDGERTON,) )  
BOBBY RAY EDMONDSON, AMY T. )  
EDWARDS, W. THOMAS EDWARDS, FINLEY )  
C. EDWARDS, MARY ELDRIDGE, MILDRED T.) )  
ELKS, EVA KAYE G. ELLINGTON, LARRY T. )  
ELLIS, LUCILLE B. ELLIS, LOUIS E. ELLIS, )  
MICHAEL L. ELLIS, CHRISTINE K. ELLIS, )  
WILLIAM E. ELMORE, BETTY ELMORE- )  
STANCILL, SELBY A. ETHERDIGE, JR., )  
CAROLYN R. EVANS, KERMIT M. EVANS, )  
TONY W. EVANS, VONITA H. EVANS, )  
JEANNETTE M. EZZELL, JENELL B. EZZELL, )  
JOHN D. EZZELLE, MAVIS E. FAIRCLOTH, )  
OLIVIA B. FARRELL, MICHAEL E. FERRELL, )  
PRESTON L. FIELDS, RUTH F. FISHER, )  
CHARLES W. FISHER, LESLIE B. FISHER, )

JANIE G. FLEMING, DONNA S. FLING, )  
 DIANNE K. FLINT, BERTHA S. FLOYD, LINDA )  
 L. FLYTHE, CLARENCE G. FORBES, )  
 MARILYN B. FORBES, MARTHA S. FOSTER, )  
 BARBARA FRANKS, WILLIAM R. FRAZIER, )  
 JUDY S. FREEMAN, I. GERALD FUTRELL, )  
 ELIZABETH H. GARDNER, ROBERT L. )  
 GARRETT, LINDA A. GARRETT, MARGIE A. )  
 GARRIS, DEIDRICK H. GASKILL, DONALD P. )  
 GASKINS, LINDA H. GASKINS, WILLIE R. )  
 GAY, HERBERT L. GAY, WILLIAM A. )  
 GILBERT, WILLIE E. GODWIN, JERRY S. )  
 GORE, LILLIE B. GRADY, PRISCILLA T. )  
 GRANGER, JANE T. GRANTHAM, HILDA B. )  
 GRAY, GROVER L. GRIFFIN, ALTON C. )  
 GRISSOM, ROSALYN S. GUIRKINS, CHARLIE )  
 J. GURGANUS, VAN A. GURKINS, BRENDA B. )  
 HAIRR, JUNIE MACK HAIRR, JOHN O. HALL, )  
 JIMMY C. HAMILTON, BETTY F. HAMM, JOEL )  
 F. HANCOCK, JAMES E. HANEY, ROBERT )  
 ALTON HANFORD, FRANCES H. HARDEE, )  
 LINDA P. HARDEE, LORETTA F. HARRELL, )  
 KENNETH R. HARRELL, MELVIN R. )  
 HARRELL, LINDA H. HARRELL, JOHN )  
 HARRINGTON, DORIS C. HARRIS, )  
 ELIZABETH R. HARRIS, DONNIE P. HARRIS, )  
 ALICE W. HARRIS, JIMMY L. HARRIS, SR., )  
 BARBARA J. HARRISON, NORMA H. )  
 HARRISON, JONATHAN F. HAVENS, SHELBY )  
 B. HEATH, DAVID R. HEMBY, SHIRLEY G. )  
 HENDERSON, BENNIE HERMAN, JR., )  
 HOYTTE DOUGLAS HERRIN, WILTON L. )  
 HERRING, LINDSEY W. HEWITT, CHARLES D. )  
 HINSON, RUBY M. HINTON, BOBBY R. )  
 HOBGOOD, LINDBERGH HOLDEN, JULIA H. )  
 HOLLAND, EUGENE R. HOLLAND, )  
 CHRISTINE M. HOLLAND, NANCY L. HOLLIS, )  
 JANE F. HOLLOMAN, MURRELL T. )  
 HOLLOMAN, ROGER L. HOLT, REBECCA F. )  
 HOOKER, ROSBY R. HOPKINS, WILLIAM H. )  
 HOPKINS, WILLIE C. HOPKINS, DENNIS )  
 HORCHLER, JEANNETTE FAYE HORNE, )  
 CAROLYN M. HORTON, CLARENCE S. )  
 HOUGH, ANNETTE A. HOUSE, CHESTER B. )  
 HOUSTON, STACY J. HOUSTON, HEYWOOD )  
 B. HOUTZ, MARYLAND Y. HOWARD, )

MARVIN HOWELL, KATHERINE H. HOWSE, )  
DOROTHY E. HUDSON, S.J. HUMIENNY, SR., )  
JAMES S. IKNER, ESTELLA IPOCK, GEORGE )  
L. IPOCK, LEWIS R. IRVIN, CHARLES E. )  
ISLES, PATRICIA D. JACKSON, PAUL A. )  
JACKSON, RAYMOND L. JACKSON, WILLIAM )  
FRANKLIN JACKSON, JOHNNIE E. JAMES, )  
WILLIAM W. JEFFERSON, JOYCE S. )  
JEFFERSON, DONALD S. JENKINS, JAMES )  
KENNETH JOHNSON, MARCUS W. JOHNSON, )  
LILLIE M. JOHNSON, JOHN CHARLES )  
JOHNSON, RALPH A. JOHNSON, BOBBY D. )  
JOLLY, LEONA A. JONES, ALICE R. JONES, )  
AUBREY D. JONES, PETER H. JONES, )  
SHIRLEY L. JONES, WILLIE J. JONES, )  
JOHN C. JONES, NORMA C. JOSEY, DOLLY J. )  
JOYNER, DOROTHY B. JOYNER, DORIS L. )  
JOYNER, WILBUR GLENN JOYNER, NANCY )  
R. JUSTICE, CHARLES J. KEARNEY, MARTHA )  
H. KEEN, W.E. KELCHNER, DONALD G. )  
KENNEDY, WALTER L. KENNEDY, J.J. )  
KILLEBREW, IRMA E. KING, THELMA V. )  
KING, WILLIAM B. KING, ELEANOR S. KING, )  
LORRAINE E. KIRKWOOD, BRUCE R. )  
KIRKWOOD, WESLEY G. KNOTT, CHARLES )  
RAY KNOWLES, MIRIAM S. KRICKO, )  
THELMA W. LAFFERTY, BOBBY L. LAMM, )  
MARTHA C. LAMM, WILLIAM E. LAMM, )  
DENNIS R. LANE, ERNESTINE C. LANGLEY, )  
JAMES D. LANGLEY, VIOLET H. LANIER, )  
WILLIAM A. LARRIMORE, FRANCES W. )  
LATHAM, PATRICIA B. LEE, KENNETH LEE, )  
MILTON E. LEE, ROSLYN A. LEFEVERS, )  
SHERRIE B. LEGGETT, BILLY M. LEGGETT, )  
PATRICIA C. LETCHWORTH, LEO N. LEWIS, )  
SANDRA B. LEWIS, SYBIL ROWE LEWIS, )  
BRENDA B. LEWIS, SYLVIA B. LEWIS, BETTY )  
D. LEWIS, POLLY C. LILLEY, SHELBY M. )  
LILLEY, NORMA MIDYETTE LINDSEY, )  
GERALDINE LITTLE, THOMAS E. )  
LITTLETON, B.G. LITTLETON, GERALD T. )  
LOCKAMY, CLARA M. LONG, ALICE D. )  
LONG, BETTY B. LONG, ELSIE O. LONG, )  
RACHEL G. LOVICK, TERRY T. LUCAS, )  
FAYE M. LUCAS, JOYCE C. MAHAN, )  
GEORGE P. MAIER, DONALD H. MALLARD, )

RANDALL G. MALLARD, SHIRLEY B. )  
 MALPASS, MAMIE R. MANNING, LUCY O. )  
 MANTAS, JOYCE A. MARSHBURN, JOE E. )  
 MARTIN, CLARENCE L. MASON, HELEN C. )  
 MASSEY, RUTH H. MATTHEWS, ROSE D. )  
 MATTHEWS, KENNETH S. MAY, JOHN T. )  
 MAY, MARY H. MAYNARD, JAMES P. MAYO, )  
 MICKEY R. MCADAMS, NAOMI B. MCBRIDE, )  
 ROY E. MCCARTER, WILLIAM TROY )  
 MCCARTER, DAVID L. MCCASKILL, MAE )  
 VONNE MCCLURE, ALICE R. )  
 MCCORQUODALE, CLIFFORD C. )  
 MCCULLOUGH, DONNA H. MCCULLOUGH, )  
 RODERICK A. MCGLOHON, NELLIE O. )  
 MCLAMB, DANIEL B. MCLAMB, LAUDIE )  
 COLON MCLAURIN, EUNICE STEPHENS )  
 MCLAURIN, HILDA A. MCLAWHORN, )  
 WELDON E. MCLAWHORN, NEAL C. )  
 MCLEOD, JR., RACHEL C. MCMANUS, )  
 RODNEY M. MEDLIN, WILLIAM ANN )  
 MEEKS, MARGARET ANN MEEKS, LINDA )  
 L. MEEKS, ENNIS W. MERCER, CARLTON V. )  
 METTS, JEANETTE Y. MILLER, MARY M. )  
 MILLER, LEON GENE MILLER, JAMES )  
 TRUITT MILLER, DARLING DAVID MILLS, )  
 VIRGINIA R. MINTON, ETHEL D. MITCHELL, )  
 GEORGE MOORE, JR., JESSE C. MOORE, )  
 JAMES H. MOORE, JOHN THOMAS MOORE, )  
 LEMUEL K. MOORE, DOROTHY R. MOORE, )  
 JANE T. MOORE, MARLAND G. MOORE, )  
 BARBARA P. MOORING, WILLIAM C. )  
 MORRIS, EVELYN F. MORROW, PATRICIA B. )  
 MORROW, NANCY J. MOSELEY, NORMAN )  
 CARLTON MOSELEY, GLORIA P. MOSLEY, )  
 ERNEST MOZINGO, EMMA FRANCES )  
 NANNEY, MARY D. NARRON, CLAUDE T. )  
 NEAL, DIANNE S. NEAL, CHARLIE G. NEAL, )  
 LONNIE R. NELMS, ELEANOR NELMS, )  
 PEGGY S. NELSON, JUNE W. NEWBERRY, )  
 JANIE P. NICHOLSON, EVELYN W. )  
 NICHOLSON, HAZEL M. NIXO, RAMONA S. )  
 NORMAN, KAY W. NORVILLE, ROBERT L. )  
 NORVILLE, SR., GREGORY NUNNERY, )  
 JOSEPH W. ODOM, GRACE O'GEARY, )  
 BRAXTON S. OLIVER, HERBERT W. OLIVER, )  
 THOMAS M. OLIVER, JACQUELINE L. )

O'NEAL, MICHAEL D. OUTLAW, EVELYN C. )  
OVERBY, BARBARA B. OVERBY, CHARLES )  
G. OVERBY, JOHN WAYNE OVERTON, JOYCE )  
Y. OWENS, GEORGE C. PACE, JOYCE E. PACE,) )  
JIMMY L. PACKARD, CHARLES E. PAGE, )  
LYNWOOD V. PAGE, ALLEN R. PARKER, )  
ALBERT B. PARKER, BOBBY F. PARRISH, )  
DORIS J. PATTERSON, WILLIS R. PEADEN, )  
JEWELL H. PEARSALL, LUTHER D. )  
PEARSALL, SR., ETHEL J. PEEDIN, LUCILLE )  
PEELE, DAVID B. PEPPER, THEODORE B. )  
PERRITT, ROBERT L. PERRY, LINDA P. )  
PERRY, ALBERT RAY PHELPS, VIOLET W. )  
PHILLIPS, FAYE E. PHYKITT, BRENDA S. )  
PILGREEN, ALICE R. PITT, CHARLES G. )  
PITTMAN, CURTIS C. PITTMAN, KENNETH N. )  
POLLOCK, MARSHALL B. POPE, MARY B. )  
POPE, HAROLD D. POPE, MARGIE L. POPE, )  
LARRY POWELL, IRIS E. POWELL, )  
CATHERINE R. POWERS, JOYCE P. POWERS, )  
BOBBY F. PRICE, RETHA A. PRICE, JOSEPH )  
EARL PRICE, SHELBY F. PRIDGEN, GRACE N. )  
PROCTOR, SIDNEY H. PURVIS, BARBARA B. )  
RACKLEY, FRANCIS DALTON RACKLEY, )  
GENE D. RACKLEY, MARGIE T. RAINES, )  
EFFIE L. ROPER, REBECCA R. RAYNOR, )  
SALLY C. REGISTER, SHIRLEY P. RESPASS, )  
BESSIE M. REVEAL, W.S. RICHARDSON, )  
JANIE S. RIDGEWAY, ALBERT F. ROACH, )  
ELINOR S. ROBESON, JOHNATHAN L. )  
ROBESON, JR., MAXINE R. ROGERS, )  
MARGIE S. ROGERS, BETTY G. ROGERS, )  
MARY D. ROLLER, ROSEMARY V. )  
ROMANUS, W.H. ROSS, NAOMI M. )  
ROUNDTREE, WILLIAM A. ROUSE, LINDA )  
ANN ROSE, BETTY E. RUFFIN, JOHNNIE )  
MACK RUFFIN, CLIFTON E. RUFFIN, ETHEL )  
V. RUFFIN-COLLIER, DUDLEY J. RUTLEDGE, )  
HILDA G. SALEEBY, MARILYN L. SANDLIN, )  
FREDERICK L. SATTERFIELD, JUDY D. )  
SATTERWHITE, MELODY G. SAVAGE, J.P. )  
SCOTT, BENJAMIN F. SCOTT, VICKI JEAN )  
SEADORE, GEORGE T. SESSOMS, SR., RITA )  
T. SEXTON, VIRGIL B. SHAW, GAYNELLE S. )  
SHIPP, VICKIE A. SHIVAR, DOUGLAS E. )  
SIBBETT, BETTY GAYLE SIMMONS, )

MILFORD L. SIMMONS, MAUREEN L. )  
 SIMMONS, BRYANT SIMMONS, JR., ARTHUR )  
 D. SIMONEAU, LEON H. SIMPKINS, WILLARD )  
 G. SIMPSON, WILTON A. SMITH, BARBARA S.)  
 SMITH, FRANKLIN D. SMITH, LINDA FAYE )  
 SMITH, BETTY G. SMITH, ZELIA S. SNEAD, )  
 MARTHA J. SNEAD, TALMADGE R. SNEAD, )  
 RONALD D. SONDERGARD, RACHEL O. )  
 SPANN, FRANK J. SPARKS, GEORGE R. )  
 SPEIGHT, JAMES A. SPEIGHT, JAMES A. )  
 SPRUILL, DORIS A. STAINBACK, GERALD T. )  
 STALLINGS, MARGARET A. STALLINGS, )  
 JOHN HAROLD STALLINGS, WILLIAM W. )  
 STALLINGS, RAYMETA B. STANCIL, )  
 CARLENE STANLEY, JAMES E. STANLEY, )  
 DONALD G. STEELE, ESTATE OF BLANCHE )  
 R. STELL, CHARLES W. STEPHENS, JR., )  
 FLOYD W. STEWART, PEGGY A. STEWART, )  
 LEVY C. STILLEY, JAMES A. STOCKS, )  
 STANLEY M. STONE, SR., HAZEL STOX, )  
 GRADY C. STRICKLAND, PATRICIA L. )  
 STRICKLAND, OWEN W. STRICKLAND, )  
 LINDA P. STRICKLAND, CLAYTON THOMAS )  
 STRICKLAND, RAYMOND O. STRUM, )  
 BOBBY G. SUGGS, DIANNE M. SUMMERLIN, )  
 MATTIE BASS SUMNER, ELIZABETH V. )  
 SUMNER, BILLY V. SUTTON, CECIL E. )  
 SWINSON, REBECCA R. SWINSON, KENNETH )  
 H. SYKES, KENNETH F. TARLETON, GRADY )  
 TART, EMMETT L. TATUM, JR., CAROL J. )  
 TAYLOR, CURTIS V. TAYLOR, EDMOND R. )  
 TAYLOR, JENNINGS B. TEAL, SR., HUBERT D.)  
 TERRY, VIRGINIA TEW, MARY L. )  
 THARRINGTON, GARLAND V. THOMAS, )  
 DONALD L. THOMAS, PEARL N. THOMPSON, )  
 ROY H. THOMPSON, CARLTON G. )  
 THOMPSON, ELLA W. THOMPSON, GENE R. )  
 THOMPSON, ELIZABETH J. THORNELL, )  
 MELODY J. THURSBY, CLENNIS T. )  
 TOLSTON, HENRY T. TOLSTON, ANNIE )  
 ROBINSON TREVATHAN, DAPHNE B. TRIPP, )  
 GERALDINE H. TUCKER, SHELBY JEAN )  
 TURNAGE, JESSE L. TURNER, ROBERT C. )  
 TYNDALL, HENRY H. UMPHLET, JEAN )  
 VARNELL, JOANN A. VAUGHAN, VERCHIE A.)  
 VICK, RONALD VICK, SUSIE P. VICK, )



ALFRED M. WADDELL, JR., MARY FRANCES )  
 WAGNER, CAROLYN R. WAGNER, SHIRLEY )  
 B. WAINWRIGHT, JEAN M. WALDEN, ROSA )  
 A. WALKER, ANGELA WALKER, CHARLES )  
 W. WALL, JOYCE F. WALLACE, CHARLES G. )  
 WALLACE, RANDY W. WALLACE, EDITH A. )  
 WALSTON, LORENE P. WALTERS, GEORGE )  
 M. WALTERS, JR., JANICE C. WARD, JOHN T. )  
 WARD, MYRTLE W. WARD, HASSELL RAY )  
 WARDSWORTH, REBECCA B. WARREN, )  
 RUBY J. WATERS, MARTHA R. WATERS, )  
 FRANCES H. WATSON, RICHARD B. )  
 WEATHERINGTON, EVELYN G. WEBB, )  
 BATTLE BROOKS WEBB, EARLDEAN T. )  
 WEBB, ELLIE H. WEBB, JOSEPH W. WEEKS, )  
 MARGARET WETHINGTON, WALTER )  
 THOMAS WHEELER, WALTER C. WHITE, )  
 HENRY M. WHITE, MARY M. WHITE, )  
 KENNETH L. WHITE, TRUDY J. WHITE, )  
 VIVIAN M. WHITE, TREACY TURNER )  
 WHITE, LOUISE M. WHITEHURST, GEORGE F.)  
 WHITEHURST, NANCY B. WHITEHURST, )  
 ELLIS REID WHITFORD, SR., BILLY S. )  
 WILDER, BONNER WILDER, GORDON EARL )  
 WILKINS, JR., ANN W. WILKINSON, )  
 BRADLEY WILLAFORD, GEORGE E. )  
 WILLIAMS, JULIA V. WILLIAMS, CONNIE L. )  
 WILLIAMS, HERSCAL P. WILLIAMS, MARY C.)  
 WILLIAMS, ROY K. WILLIAMS, CARL B. )  
 WILLIAMS, HAZEL C. WILLIAMS, ROGER )  
 BERT WILLIAMS, MOLLIE L. WILLIAMSON, )  
 MARGIE E. WILLIAMSON, T.P. WILLIAMSON,)  
 LICE L. WILLIFORD, JERRY D. WILLIFORD, )  
 RALPH L. WILLIFORD, JEAN WILSON, )  
 HOWARD C. WILSON, JR., ANN D. )  
 WINBORNE, SONYA L. WINSTEAD, )  
 FRANCES M. WINSTEAD, DERWOOD L. )  
 WINSTEAD, MARION BRANCH WINSTEAD, )  
 GRADY H. WINSTEAD, SR., WILLIAM BOYD )  
 WOOD, THOMAS H. WOODARD, BILLY G. )  
 WOODARD, JOHN E. WOODLIEF, ALICE B. )  
 WOODRUFF, STEVEN G. WOODWARD, )  
 VERNELL H. WOOLARD, DARRELL )  
 WOOLARD, DAVID F. WOOLSEY, EARL D. )  
 WOOTEN, JOHN T. WORRELL, LYNWOOD R. )  
 WORRELL, JR., LYDIA B. WYNNE, ANNIE T. )

WYNNE, JANET N. WYNNE, GUY E. YORK, )  
ERNEST H. YOUNG, DAVID M. YOUNG, )  
and KATHY BEACH JONES )

Plaintiffs, )

v. )

EMBARQ CORPORATION, )  
EMBARQ RETIREE MEDICAL PLAN, )  
EMPLOYEE BENEFITS COMMITTEE )  
OF EMBARQ CORPORATION )  
AS PLAN ADMINISTRATOR OF THE )  
EMBARQ RETIREE MEDICAL PLAN, )  
SPRINT NEXTEL CORPORATION, )  
EMBARQ MID-ATLANTIC MANAGEMENT )  
SERVICES COMPANY f/k/a SPRINT )  
MID-ATLANTIC TELECOM, INC., SPRINT )  
RETIREE MEDICAL PLAN, GROUP )  
HEALTH PLAN FOR CERTAIN RETIREES )  
AND EMPLOYEES OF SPRINT )  
CORPORATION, SPRINT WELFARE )  
BENEFIT PLAN FOR RETIREES AND NON- )  
FLEXCARE PARTICIPANTS, SPRINT )  
GROUP LIFE AND LONG-TERM )  
DISABILITY PLAN, CAROLINA )  
TELEPHONE AND TELEGRAPH COMPANY, )  
LLC f/k/a CAROLINA TELEPHONE AND )  
TELEGRAPH COMPANY, GROUP LIFE, )  
ACCIDENTAL DEATH AND )  
DISMEMBERMENT AND DEPENDENT )  
LIFE PLAN FOR EMPLOYEES OF )  
CAROLINA TELEPHONE AND )  
TELEGRAPH COMPANY, CAROLINA )  
TELEPHONE AND TELEGRAPH )  
COMPANY VOLUNTARY )  
EMPLOYEES' BENEFICIARY ASSOCIATION )  
SICKNESS DEATH BENEFIT PLAN, and )  
RANDALL T. PARKER AS )  
PLAN ADMINISTRATOR FOR ALL OF THE )  
EMPLOYEE WELFARE BENEFIT PLANS )  
OF EMBARQ CORPORATION AND )  
CAROLINA TELEPHONE AND )  
TELEGRAPH COMPANY, LLC, )

Defendants. )

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**INTRODUCTION**

1. This is an action for declaratory, injunctive, and other equitable relief, as well as damages and other monetary relief, to redress the deprivation of rights secured to Plaintiffs and the members of the Class and Sub-Classes by the following laws:

- a. the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.* (“ERISA”);
- b. the Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 *et seq.* (“ADEA”);
- c. the Ohio Civil Rights Act, Ohio Rev. Code §§ 4112.01 *et seq.*;
- d. the Oregon Unlawful Discrimination Law; O.R.S. §§ 659A.001 *et seq.*;
- and
- e. the Tennessee Human Rights Act, Tenn. Stat. §§ 4-21-101 *et seq.*

2. Plaintiffs and the members of the Class and Sub-Classes are retired employees of various national, regional and local telecommunications operating and supply companies which are now wholly-owned subsidiaries of Defendant Embarq Corporation.

3. Plaintiffs seek relief for the following unlawful actions of Defendants:

- a. the elimination of company-sponsored and company-paid medical and prescription drug coverage and coverage subsidies provided to Medicare-eligible retirees and their Medicare-eligible dependents; and
- b. the elimination of company-sponsored and company-paid life insurance coverage in excess of \$ 10,000 provided to retirees and their dependents, and the elimination of all such life insurance coverage provided to retirees of Carolina Telephone and Telegraph Company who are participants in

the Carolina Telephone and Telegraph Company Voluntary Employees Beneficiary Association Plan (“VEBA”), also known as the Sickness Death Benefit Plan.

### **JURISDICTION**

4. The jurisdiction of this Court is invoked pursuant to ERISA, 29 U.S.C. §§ 1132(a)(1) and (3) and 1132(e), the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, the ADEA, 29 U.S.C. § 626(b), the general federal question jurisdiction statute, 28 U.S.C. § 1331, and with respect to the state law claims, the supplemental jurisdiction statute, 28 U.S.C. § 1367(a). Jurisdiction is also invoked pursuant to the diversity jurisdiction statute, 28 U.S.C. § 1332, as amended by the Class Action Fairness Act of 2005, Pub. L. 109-2, 119 Stat. 14. The requirements of 28 U.S.C. § 1332(d)(1) are met, in that the aggregate amount in controversy exceeds \$ 5,000,000 (five million dollars) exclusive of interest and costs, and numerous class members are citizens of states other than those states in which one or more defendants are citizens. Upon information and belief, fewer than one-third of the Class members are citizens of Kansas, and fewer than one-third of the members of the Ohio, Oregon, or Tennessee Age Claim Sub-Classes are citizens of Kansas.

5. Before filing this action, Plaintiffs Fulghum, Daniel, Hollingsworth, Dorman, Joyner, Barnes, Games, Bullock, Clark, Pittman, Britt, McLaurin and Burgess filed Charges of Discrimination based upon age with the Equal Employment Opportunity Commission (EEOC). More than 60 days have elapsed since the filing of these Charges of Discrimination and the EEOC has issued or is issuing Right to Sue letters to these Plaintiffs. This Amended Complaint is being filed before the expiration of ninety days from the receipt of these Notices. These Plaintiffs now assert claims under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 626(b), and demand jury trial of all such claims triable by jury.

6. Before filing this action, certain Plaintiffs and other Class members notified Defendant Randall T. Parker, the Director of Benefits and Plan Administrator of the relevant benefits plans of Embarq Corporation and Carolina Telephone and Telegraph, that they were demanding that their medical, prescription drug and life insurance benefits be restored to them. Defendant Parker and other Defendants have failed to restore any of these benefits to Plaintiffs or to any other Class member.

7. Plaintiffs have exhausted any administrative remedies that may be required under ERISA, to the extent any such remedies are available under the terms of the ERISA benefit plans at issue in this case. In the alternative, any attempt to exhaust administrative remedies is not required by law or would be futile for the following reasons:

- a. no administrative remedy is required under the applicable laws, and specifically no administrative remedy is required for Plaintiffs to bring their ERISA claims for breach of fiduciary duty;
- b. due to the actions of Defendant Embarq Corporation challenged in this action, the relevant plans no longer provide these benefits, and any claim made to the plans for such benefits by any Plaintiff or member of the Class would be futile, inasmuch as the Plan Administrators would have no authority to grant these benefits. Indeed, when Defendant Embarq announced the challenged benefits cutbacks to Plaintiffs and the members of the Class in July 2007, it did not advise them that any plan-related review procedure was available to them, nor did it otherwise indicate that any form of administrative exhaustion was required. The remedies sought by Plaintiffs and the members of the Class and required by law therefore

cannot be provided by the Plan Administrators because they require actions to amend the plans by the Plan Sponsors, including but not limited to Defendant Embarq Corporation;

- c. the cutbacks of medical, prescription drug and life insurance benefits were planned and executed at the highest executive levels of Defendant Embarq Corporation, such that the Plan Administrators of the relevant benefit plans cannot provide any of the remedies sought by Plaintiffs and the members of the Class through the administrative processes provided by the plans; and
- d. the delay of this litigation by fruitless administrative proceedings would further damage and injure Plaintiffs and the members of the Class, many of whom are elderly retirees who need their medical, prescription drug, and life insurance benefits. Plaintiffs and the members of the Class would be prejudiced by the continued denial of those benefits and any further delay in the resolution of this case by administrative proceedings.

### VENUE

8. Venue lies in this District under ERISA § 502(e)(2), 29 U.S.C. § 1332(e)(2), under the ADEA, 29 U.S.C. § 626(b), and/or under 28 § 1391(b)-(c), because Defendants reside or may be found in this District, the benefit plans at issue were administered in part in this District, the breaches and/or unlawful acts took place in this District, numerous Class members reside within this District, and a substantial part of the events giving rise to the claims occurred in this District.

**PARTIES**

**PLAINTIFFS**

9. Plaintiff William Douglas Fulghum is a resident of Fayetteville, North Carolina. Mr. Fulghum was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Fulghum was born in 1938, began working for defendant corporations on or about June 1956, and retired on or about September 1, 1996 at the age of 58. He is currently 69 years old.

10. Plaintiff Dorsey Daniel is a resident of Tarboro, North Carolina. Mr. Daniel was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Daniel was born in 1940, began working for defendant corporations on or about July 1965, and retired on or about June 1, 1999 at the age of 58. He is currently 67 years old.

11. Plaintiff John Douglas Hollingsworth is a resident of Fayetteville, North Carolina. Mr. Hollingsworth was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Hollingsworth was born in 1944, began working for defendant corporations on or about June 1964, and retired on or about December 30, 2001 at the age of 57. He is currently 63 years old.

12. Plaintiff Willie Dorman is a resident of Erwin, North Carolina. Mr. Dorman was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit

within the meaning of 29 U.S.C. § 1002(7). Mr. Dorman was born in 1938, began working for defendant corporations on or about April 1959, and retired on or about March 1, 1994 at the age of 56. He is currently 69 years old.

13. Plaintiff Robert E. King is a resident of Ocala, Florida. Mr. King was employed by United Telecom of Florida, Sprint of Florida, and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. King was born in 1930, began working for defendant corporations on or about April 1959, and retired on or about September 1, 1993 at the age of 63. He is currently 77 years old.

14. Plaintiff Calvin Bruce Joyner is a resident of Tarboro, North Carolina. Mr. Joyner was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Joyner was born in 1938, began working for defendant corporations on or about June 25, 1956, and retired on or about March 1, 1994 at the age of 56. He is currently 69 years old.

15. Plaintiff Timothy Dillon is a resident of Niceville, Florida. Mr. Dillon was employed by Florida Telephone Company, North Supply Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Dillon was born in 1943, began working for defendant corporations on or about May 1969, and retired on or about December 2002 at the age of 59. He is currently 64 years old.

16. Plaintiff Sue Barnes is a resident of Wilson, North Carolina. Ms. Barnes was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to



Defendant Embarq Corporation. She is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Ms. Barnes was born in 1941, began working for defendant corporations on or about September, 1959, and retired on or about March, 2003 at the age of 61. She is currently 66 years old.

17. Plaintiff William Games is a resident of Camden, North Carolina. Mr. Games was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Games was born in 1940, began working for defendant corporations on or about October, 1959, and retired on or about December 31, 2001 at the age of 61. He is currently 67 years old.

18. Plaintiff Betsy Bullock is a resident of Tarboro, North Carolina. Ms. Bullock was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. She is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Ms. Bullock was born in 1943, began working for defendant corporations on or about August, 1971, and retired on or about December 31, 2001 at the age of 58. She is currently 64 years old.

19. Plaintiff Kenneth A. Carpenter is a resident of Mansfield, Ohio. Mr. Carpenter was employed by United Telephone Company of Ohio and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Carpenter was born in 1938, began working for defendant corporations on or about 1965, and retired on or about January 1, 1998 at the age of 59. He was employed in Ohio from 1971 to the date of his retirement. He is currently 69 years old.

20. Plaintiff Betty A. Carpenter is a resident of Mansfield, Ohio. Ms. Carpenter was employed by United Telephone Company of Ohio and other predecessor corporations to Defendant Embarq Corporation. She is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Ms. Carpenter was born in 1942, began working for defendant corporations on or about 1978, and retired on or about November 1, 1997 at the age of 55. She was employed in Ohio from 1978 to the date of her retirement. She is currently 65 years old.

21. Plaintiff Carl W. Somdahl is a resident of Pacific City, Oregon. Mr. Somdahl was employed by United Telephone Company of the Northwest and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Somdahl was born in 1934, began working for defendant corporations on or about 1977, and retired on or about January 1999 at the age of 65. He was employed in Oregon from 1977 to the date of his retirement. He is currently 74 years old.

22. Plaintiff William F. Dugger is a resident of Gleneden Beach, Oregon. Mr. Dugger was employed by United Telephone Company of the Northwest and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Dugger was born in 1924, began working for defendant corporations on or about 1966, and retired on or about November 1985 at the age of 61. He was employed in Oregon from 1966 to the date of his retirement. He is currently 83 years old.

23. Plaintiff Wanda W. Shipley is a resident of Greenville, Tennessee. Ms. Shipley was employed by Inter-Mountain Telephone Company and other predecessor corporations to

Defendant Embarq Corporation. She is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. Section 1002(7). Ms Shipley was born in 1942, began working for defendant corporations in 1960, and retired on or about June 1999 at the age of 56. She was employed in Tennessee from 1960 to the date of her retirement. She is currently 66 years old.

23a. Plaintiff Donald Ray Clark is a resident of Wilmington, North Carolina. Mr. Clark was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Clark was born in 1926, began working for defendant corporations on or about November 6, 1950, and retired on or about August 31, 1976 at the age of 50. He is currently 82 years old.

23b. Plaintiff Curtis C. Pittman is a resident of Fayetteville, North Carolina. Mr. Pittman was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Pittman was born in 1927, began working for defendant corporations on or about September 1, 1950, and retired on or about November 1, 1983 at the age of 56. He is currently 82 years old.

23c. Plaintiff James Woodie Britt is a resident of Greenville, North Carolina. Mr. Britt was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Britt was born in 1918, began working for defendant corporations on or about February 28, 1946, and retired on or about June 30, 1985 at the age of 66. He is currently 90 years old.

23d. Plaintiff Laudie Colon McLaurin is a resident of Erwin, North Carolina. Mr.

McLaurin was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. McLaurin was born in 1933, began working for defendant corporations in November, 1953, and retired on or about December 31, 1988, at the age of 55. He is currently 78 years old.

23e. Plaintiff John Lee Burgess is a resident of Pinetops, North Carolina. Mr. Burgess was employed by Carolina Telephone and Telegraph Company and other predecessor corporations to Defendant Embarq Corporation. He is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Mr. Burgess was born in 1939, began working for defendant corporations on or about June 4, 1959, and retired on or about August 1, 1989 at the age of 50. He is currently 69 years of age.

24. Plaintiffs Fulghum, Daniel, Hollingsworth, Dorman, Joyner, Barnes, Games, Bullock, Clark, Pittman, Britt, McLaurin and Burgess all filed Charges of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) alleging age discrimination. More than 60 days have elapsed since the filing of these Charges of Discrimination and the EEOC has issued Right to Sue letters to these Plaintiffs. This Amended Complaint is being filed before the expiration of ninety days from the receipt of these Notices.

25. Plaintiffs Fulghum, Daniel, Hollingsworth, Dorman, King, Joyner, Dillon, Barnes, Games, Bullock, Kenneth A. Carpenter, Betty A. Carpenter, Somdahl, Dugger, , Shipley, Clark, Pittman, Britt, McLaurin and Burgess file this lawsuit on behalf of themselves individually and as representatives of others who are similarly situated. Additionally, the following persons and Class members, who shall be referred hereinafter as the “Individual Age Discrimination Plaintiffs” join this lawsuit individually for the purpose of bringing their own claims of age

discrimination: Faye P. Abbott, Judith R. Adams, Lois J. Ainsley, Robert D. Aldridge, James L. Alford, Mary S. Allen, Johnny W. Allen, Thomas G. Allgood, Jr., Evelyn A. Alligood, Estate Of Henry W. Ammons, Clara W.L. Anderson, Mary Ellen Anderson, Anzilia K. Anderson, Howard D. Armstrong, Donald E. Armstrong, James E. Armstrong, Michael L. Atkinson, Dwight C. Autry, Lila H. Autry, Charles E. Autry, James L. Autry, W.J. Avent, Effie H. Avery, Janie B. Ayers, George W. Bailey, Lough Massey Baker, Joseph K. Baker, Ophelia H. Baker, Shelby M. Baker, Rufus James Baker, Mary Harrell Baker, Johnny Preston Baker, William A. Baker, Clifford E. Ball, Naomi M. Ball, Thomas V. Barden, Katie Cook Barnes, Willie E. Barnes, Thomas Scott Barnes, Judith W. Basnight, Gerald Bass, Verona W. Bass, Carolyn J. Batchelor, Frances L. Batts, Gerald C. Batts, Mary P. Batts, Madeline B. Beach, Carl Beacham, Jr., Linda C. Beaman, Noah Alfred Beamon, Jenette C. Bell, V. Allen Bender, Iii, John O. Benson, Peggy J. Biggs, Ronnie Bill, L.S. Blades, Iii, Essie L. Blalock, Curtis W. Bland, Wynona H. Blount, Mel Steven Bobbitt, Johnny D. Bordeaux, Ann L. Boyette, Jack H. Boyette, Geraldine E. Boyette, Mary B. Boykin, Marian E. Bracy, Joyce C. Bracy, Thelma Robbins Braddy, Janice C. Braddy, Claude Braddy, Jr., Steven P. Bradley, Jean T. Bradshaw, Edward R. Brady, Mary Ann Brame, Charles M. Bratcher, Josephine S. Bratcher, Linda G. Brewer, James Woodie Britt, Mary E. Britton, Audrey A. Brown, Henry W. Brown, William P. Brown, Graham T. Brown, Carol J. Brown, Janice Brown, Eddie R. Brown, Gordon D. Brunson, Marie W. Bucknam, Geneva E. Bullock, Mattie J. Bullock, Patricia W. Bunch, Tony A. Bunch, Carol S. Burchette, John Lee Burgess, James F. Burnette, Ethel A. Burns, Clayton O. Burriss, Jr., Diamond H. Butler, Franklin D. Butler, Dorothy G. Butler, Robert C. Byrd, Ruth M. Cagle, Bertha S. Campbell, Shirley G. Canady, Kerry W. Carawan, Daniel H. Carlisle, Stanton R. Carnes, Estate Of Milton R. Carpenter, Betty M. Carr, Dolores P. Carraway, Linda K. Carroll, Lucille H. Carta, Carl Ray

Carter, Melvin S. Carter, Bernard John Carter, Jr., Lois Ann Carver, Bobby B. Cashwell, Glenn M. Causway, John W. Cherry, Linda W. Chesson, Betty W. Chesson, Eileen L. Childers, Ann P. Chipps, Daisy A. Clark, Donald R. Clark, Donald E. Clark, Robert L. Clegg, Shirley W. Cleland, Cullen Cobb, Jr., Earl G. Coble, Josie D. Cofield, Annie M. Coggins, Colleen H. Coker, Naomi M. Coker, Alvin L. Coley, Linda C. Coley, Victoria C. Collins, Raymond A. Collins, Joyce L. Connor, Nancy D. Cook, Carl T. Cooley, William H. Cooley, Ann G. Cooper, Charles W. Cooper, Callie L. Cooper, Edward G. Corey, James H. Council, Dolly E. Cox, Walter L. Cratch, John W. Craver, Henry E. Creel, Arvey O. Crocker, Jr., Shelby A. Croom, Melvin D. Crumpler, Marshall W. Crumpler, Nancy R. Curtis, Harold B. Cutler, Jack E. Cutler, Vernon R. Dail, Ada F. Daniel, Terry F. Daniels, Ulyss Glenn Daughtridg, Belva J. Davenport, Shelby F. Davenport, Billy E. Davidson, Robert I. Davis, Selma W. Davis, Hinton Carlton Davis, Helen I. Davis, Lesly B. Davis, Vivian W. Davis, Jack D. Dawson, Betty W. Deal, Walter F. Deal, Janis S. Dempster, Betty Jean Dennie, Bobby C. Dennie, Marcelene D. Denny, Richard H. Denton, Grace J. Devane, Edward M. Dickens, Margaret S. Dildy, Charles T. Dorman, Paul D. Dorman, Gordon H. Doughtie, Lena W. Doughtie, Martha M. Douglas, Isabel Downing, Eugene F. Dozier, William P. Duckett, Jr., George F. Duke, Julia J. Duke, Lois W. Dunn, Bobby E. Dunn, Robert W. Duvall, Dolly O. Eastwood, Billy Y. Edgerton, Bobby Ray Edmondson, Amy T. Edwards, W. Thomas Edwards, Finley C. Edwards, Mary Eldridge, Mildred T. Elks, Eva Kaye G. Ellington, Larry T. Ellis, Lucille B. Ellis, Louis E. Ellis, Michael L. Ellis, Christine K. Ellis, William E. Elmore, Betty Elmore-Stancill, Selby A. Etherdige, Jr., Carolyn R. Evans, Kermit M. Evans, Tony W. Evans, Vonita H. Evans, Jeannette M. Ezzell, Jenell B. Ezzell, John D. Ezzelle, Mavis E. Faircloth, Olivia B. Farrell, Michael E. Ferrell, Preston L. Fields, Ruth F. Fisher, Charles W. Fisher, Leslie B. Fisher, Janie G. Fleming, Donna S. Fling, Dianne K. Flint, Bertha

S. Floyd, Linda L. Flythe, Clarence G. Forbes, Marilyn B. Forbes, Martha S. Foster, Barbara Franks, William R. Frazier, Judy S. Freeman, I. Gerald Futrell, Elizabeth H. Gardner, Robert L. Garrett, Linda A. Garrett, Margie A. Garris, Deidrick H. Gaskill, Donald P. Gaskins, Linda H. Gaskins, Willie R. Gay, Herbert L. Gay, William A. Gilbert, Willie E. Godwin, Jerry S. Gore, Lillie B. Grady, Priscilla T. Granger, Jane T. Grantham, Hilda B. Gray, Grover L. Griffin, Alton C. Grissom, Rosalyn S. Guirkins, Charlie J. Gurganus, Van A. Gurkins, Brenda B. Hairr, Junie Mack Hairr, John O. Hall, Jimmy C. Hamilton, Betty F. Hamm, Joel F. Hancock, James E. Haney, Robert Alton Hanford, Frances H. Hardee, Linda P. Hardee, Loretta F. Harrell, Kenneth R. Harrell, Melvin R. Harrell, Linda H. Harrell, John Harrington, Doris C. Harris, Elizabeth R. Harris, Donnie P. Harris, Alice W. Harris, Jimmy L. Harris, Sr., Barbara J. Harrison, Norma H. Harrison, Jonathan F. Havens, Shelby B. Heath, David R. Hemby, Shirley G. Henderson, Bennie Herman, Jr., Hoytte Douglas Herrin, Wilton L. Herring, Lindsey W. Hewitt, Charles D. Hinson, Ruby M. Hinton, Bobby R. Hobgood, Lindbergh Holden, Julia H. Holland, Eugene R. Holland, Christine M. Holland, Nancy L. Hollis, Jane F. Holloman, Murrell T. Holloman, Roger L. Holt, Rebecca F. Hooker, Rosby R. Hopkins, William H. Hopkins, Willie C. Hopkins, Dennis Horchler, Jeannette Faye Horne, Carolyn M. Horton, Clarence S. Hough, Annette A. House, Chester B. Houston, Stacy J. Houston, Heywood B. Houtz, Maryland Y. Howard, Marvin Howell, Katherine H. Howse, Dorothy E. Hudson, S.J. Humienny, Sr., James S. Ikner, Estella Ipock, George L. Ipock, Lewis R. Irvin, Charles E. Isles, Patricia D. Jackson, Paul A. Jackson, Raymond L. Jackson, William Franklin Jackson, Johnnie E. James, William W. Jefferson, Joyce S. Jefferson, Donald S. Jenkins, James Kenneth Johnson, Marcus W. Johnson, Lillie M. Johnson, John Charles Johnson, Ralph A. Johnson, Bobby D. Jolly, Leona A. Jones, Alice R. Jones, Aubrey D. Jones, Peter H. Jones, Shirley L. Jones, Willie J. Jones, John C. Jones, Norma C.

Josey, Dolly J. Joyner, Dorothy B. Joyner, Doris L. Joyner, Wilbur Glenn Joyner, Nancy R. Justice, Charles J. Kearney, Martha H. Keen, W.E. Kelchner, Donald G. Kennedy, Walter L. Kennedy, J.J. Killebrew, Irma E. King, Thelma V. King, William B. King, Eleanor S. King, Lorraine E. Kirkwood, Bruce R. Kirkwood, Wesley G. Knott, Charles Ray Knowles, Miriam S. Kricko, Thelma W. Lafferty, Bobby L. Lamm, Martha C. Lamm, William E. Lamm, Dennis R. Lane, Ernestine C. Langley, James D. Langley, Violet H. Lanier, William A. Larrimore, Frances W. Latham, Patricia B. Lee, Kenneth Lee, Milton E. Lee, Roslyn A. Lefevers, Sherrie B. Leggett, Billy M. Leggett, Patricia C. Letchworth, Leo N. Lewis, Sandra B. Lewis, Sybil Rowe Lewis, Brenda B. Lewis, Sylvia B. Lewis, Betty D. Lewis, Polly C. Lilley, Shelby M. Lilley, Norma Midyette Lindsey, Geraldine Little, Thomas E. Littleton, B.G. Littleton, Gerald T. Lockamy, Clara M. Long, Alice D. Long, Betty B. Long, Elsie O. Long, Rachel G. Lovick, Terry T. Lucas, Faye M. Lucas, Joyce C. Mahan, George P. Maier, Donald H. Mallard, Randall G. Mallard, Shirley B. Malpass, Mamie R. Manning, Lucy O. Mantas, Joyce A. Marshburn, Joe E. Martin, Clarence L. Mason, Helen C. Massey, Ruth H. Matthews, Rose D. Matthews, Kenneth S. May, John T. May, Mary H. Maynard, James P. Mayo, Mickey R. McAdams, Naomi B. McBride, Roy E. McCarter, William Troy McCarter, David L. McCaskill, Mae Vonne McClure, Alice R. McCorquodale, Clifford C. McCullough, Donna H. McCullough, Roderick A. McGlohon, Nellie O. McLamb, Daniel B. McLamb, Laudie Colon McLaurin, Eunice Stephens McLaurin, Hilda A. McLawhorn, Weldon E. McLawhorn, Neal C. McLeod, Jr., Rachel C. McManus, Rodney M. Medlin, William Ann Meeks, Margaret Ann Meeks, Linda L. Meeks, Ennis W. Mercer, Carlton V. Metts, Jeanette Y. Miller, Mary M. Miller, Leon Gene Miller, James Truitt Miller, Darling David Mills, Virginia R. Minton, Ethel D. Mitchell, George Moore, Jr., Jesse C. Moore, James H. Moore, John Thomas Moore, Lemuel K. Moore, Dorothy R.



Moore, Jane T. Moore, Marland G. Moore, Barbara P. Mooring, William C. Morris, Evelyn F. Morrow, Patricia B. Morrow, Nancy J. Moseley, Norman Carlton Moseley, Gloria P. Mosley, Ernest Mazingo, Emma Frances Nanney, Mary D. Narron, Claude T. Neal, Dianne S. Neal, Charlie G. Neal, Lonnie R. Nelms, Eleanor Nelms, Peggy S. Nelson, June W. Newberry, Janie P. Nicholson, Evelyn W. Nicholson, Hazel M. Nixo, Ramona S. Norman, Kay W. Norville, Robert L. Norville, Sr., Gregory Nunnery, Joseph W. Odom, Grace O'Geary, Braxton S. Oliver, Herbert W. Oliver, Thomas M. Oliver, Jacqueline L. O'Neal, Michael D. Outlaw, Evelyn C. Overby, Barbara B. Overby, Charles G. Overby, John Wayne Overton, Joyce Y. Owens, George C. Pace, Joyce E. Pace, Jimmy L. Packard, Charles E. Page, Lynwood V. Page, Allen R. Parker, Albert B. Parker, Bobby F. Parrish, Doris J. Patterson, Willis R. Peaden, Jewell H. Pearsall, Luther D. Pearsall, Sr., Ethel J. Peedin, Lucille Peele, David B. Pepper, Theodore B. Perritt, Robert L. Perry, Linda P. Perry, Albert Ray Phelps, Violet W. Phillips, Faye E. Phykitt, Brenda S. Pilgreen, Alice R. Pitt, Charles G. Pittman, Curtis C. Pittman, Kenneth N. Pollock, Marshall B. Pope, Mary B. Pope, Harold D. Pope, Margie L. Pope, Larry Powell, Iris E. Powell, Catherine R. Powers, Joyce P. Powers, Bobby F. Price, Retha A. Price, Joseph Earl Price, Shelby F. Pridgen, Grace N. Proctor, Sidney H. Purvis, Barbara B. Rackley, Francis Dalton Rackley, Gene D. Rackley, Margie T. Raines, Effie L. Roper, Rebecca R. Raynor, Sally C. Register, Shirley P. Respass, Bessie M. Reveal, W.S. Richardson, Janie S. Ridgeway, Albert F. Roach, Elinor S. Robeson, Johnathan L. Robeson, Jr., Maxine R. Rogers, Margie S. Rogers, Betty G. Rogers, Mary D. Roller, Rosemary V. Romanus, W.H. Ross, Naomi M. Roundtree, William A. Rouse, Linda Ann Rose, Betty E. Ruffin, Johnnie Mack Ruffin, Clifton E. Ruffin, Ethel V. Ruffin-Collier, Dudley J. Rutledge, Hilda G. Saleeby, Marilyn L. Sandlin, Frederick L. Satterfield, Judy D. Satterwhite, Melody G. Savage, J.P. Scott, Benjamin F. Scott, Vicki Jean Seadore, George T.

Sessoms, Sr., Rita T. Sexton, Virgil B. Shaw, Gaynelle S. Shipp, Vickie A. Shivar, Douglas E. Sibbett, Betty Gayle Simmons, Milford L. Simmons, Maureen L. Simmons, Bryant Simmons, Jr., Arthur D. Simoneau, Leon H. Simpkins, Willard G. Simpson, Wilton A. Smith, Barbara S. Smith, Franklin D. Smith, Linda Faye Smith, Betty G. Smith, Zelia S. Snead, Martha J. Snead, Talmadge R. Snead, Ronald D. Sondergard, Rachel O. Spann, Frank J. Sparks, George R. Speight, James A. Speight, James A. Spruill, Doris A. Stainback, Gerald T. Stallings, Margaret A. Stallings, John Harold Stallings, William W. Stallings, Raymeta B. Stancil, Carlene Stanley, James E. Stanley, Donald G. Steele, Estate Of Blanche R. Stell, Charles W. Stephens, Jr., Floyd W. Stewart, Peggy A. Stewart, Levy C. Stilley, James A. Stocks, Stanley M. Stone, Sr., Hazel Stox, Grady C. Strickland, Patricia L. Strickland, Owen W. Strickland, Linda P. Strickland, Clayton Thomas Strickland, Raymond O. Strum, Bobby G. Suggs, Dianne M. Summerlin, Mattie Bass Sumner, Elizabeth V. Sumner, Billy V. Sutton, Cecil E. Swinson, Rebecca R. Swinson, Kenneth H. Sykes, Kenneth F. Tarleton, Grady Tart, Emmett L. Tatum, Jr., Carol J. Taylor, Curtis V. Taylor, Edmond R. Taylor, Jennings B. Teal, Sr., Hubert D. Terry, Virginia Tew, Mary L. Tharrington, Garland V. Thomas, Donald L. Thomas, Pearl N. Thompson, Roy H. Thompson, Carlton G. Thompson, Ella W. Thompson, Gene R. Thompson, Elizabeth J. Thornell, Melody J. Thursby, Clennis T. Tolston, Henry T. Tolston, Annie Robinson Trevathan, Daphne B. Tripp, Geraldine H. Tucker, Shelby Jean Turnage, Jesse L. Turner, Robert C. Tyndall, Henry H. Umphlet, Jean Varnell, Joann A. Vaughan, Verchie A. Vick, Ronald Vick, Susie P. Vick, Alfred M. Waddell, Jr., Mary Frances Wagner, Carolyn R. Wagner, Shirley B. Wainwright, Jean M. Walden, Rosa A. Walker, Angela Walker, Charles W. Wall, Joyce F. Wallace, Charles G. Wallace, Randy W. Wallace, Edith A. Walston, Lorene P. Walters, George M. Walters, Jr., Janice C. Ward, John T. Ward, Myrtle W. Ward, Hassell Ray Wardsworth, Rebecca B. Warren,

Ruby J. Waters, Martha R. Waters, Frances H. Watson, Richard B. Weatherington, Evelyn G. Webb, Battle Brooks Webb, Earledean T. Webb, Ellie H. Webb, Joseph W. Weeks, Margaret Wethington, Walter Thomas Wheeler, Walter C. White, Henry M. White, Mary M. White, Kenneth L. White, Trudy J. White, Vivian M. White, Treacy Turner White, Louise M. Whitehurst, George F. Whitehurst, Nancy B. Whitehurst, Ellis Reid Whitford, Sr., Billy S. Wilder, Bonner Wilder, Gordon Earl Wilkins, Jr., Ann W. Wilkinson, Bradley Willaford, George E. Williams, Julia V. Williams, Connie L. Williams, Herscal P. Williams, Mary C. Williams, Roy K. Williams, Carl B. Williams, Hazel C. Williams, Roger Bert Williams, Mollie L. Williamson, Margie E. Williamson, T.P. Williamson, Alice L. Williford, Jerry D. Williford, Ralph L. Williford, Jean Wilson, Howard C. Wilson, Jr., Ann D. Winborne, Sonya L. Winstead, Frances M. Winstead, Derwood L. Winstead, Marion Branch Winstead, Grady H. Winstead, Sr., William Boyd Wood, Thomas H. Woodard, Billy G. Woodard, John E. Woodlief, Alice B. Woodruff, Steven G. Woodward, Vernell H. Woolard, Darrell Woolard, David F. Woolsey, Earl D. Wooten, John T. Worrell, Lynwood R. Worrell, Jr., Lydia B. Wynne, Annie T. Wynne, Janet N. Wynne, Guy E. York, Ernest H. Young, David M. Young, and Kathy Beach Jones.

26. Each of the Individual Age Discrimination Plaintiffs was employed by Carolina Telephone and Telegraph Company and/or other predecessor corporations to Defendant Embarq Corporation. Each of the Individual Age Discrimination Plaintiffs is a participant in the ERISA plans at issue in this lawsuit within the meaning of 29 U.S.C. § 1002(7). Individual information with regard to their ages, dates of hire, and dates of retirement, is attached hereto as Appendix A and incorporated by reference as though set forth fully herein. Each of the Individual Age Discrimination Plaintiffs filed an individual Charge of Discrimination with the EEOC alleging age discrimination. More than 60 days have elapsed since the filing of these Charges of

Discrimination and the EEOC is in the process of issuing Right to Sue Letters to these Individual Age Discrimination Plaintiffs. This Amended Complaint is being filed before the expiration of ninety days from the receipt of these Notices.

### **DEFENDANTS**

27. Upon information and belief, Defendant Embarq Corporation (“Embarq”) is a corporation incorporated under the laws of the State of Delaware, with its principal place of business in Overland Park, Kansas. Upon information and belief, Embarq was created as a spin-off of the local telecommunications carriers owned by Defendant Sprint Nextel on May 17, 2006. Embarq is now the fourth largest local exchange telephone carrier in the United States with more than \$6 billion in annual revenues. Embarq is publicly traded on the New York Stock Exchange under the ticker symbol “EQ.” Embarq has approximately 20,000 active employees and approximately 14,000 retirees.

28. Plaintiffs are considered to be retirees of Embarq. In connection with the spin-off of Embarq, Sprint Nextel purported to assign to Embarq its legal obligations to provide to Plaintiffs and the members of the Class the subject retiree medical, prescription drug, and life insurance benefits. These obligations were assumed by Embarq upon its creation. However, Plaintiffs and the members of the Class did not consent to this assignment of the benefits obligations and Sprint-Nextel remains liable to provide these benefits.

29. In or about November 2005, Defendant Sprint Nextel informed Plaintiffs and the members of the Class that it was terminating its program of company-paid prescription drug benefits for Medicare-eligible retirees and dependents, effective January 1, 2006. The prescription drug program was replaced by an inferior program providing only a monthly allowance of \$ 41.67 (equal to \$ 500 per year) to each Medicare-eligible retiree and dependent to

assist them in securing their own prescription drug coverage under Medicare Part D.

30. On or about July 26, 2007, Embarq informed Plaintiffs and the members of the Class that it was unilaterally terminating or reducing their company-paid medical, prescription drug, and life insurance benefits and/or subsidies. The termination of life insurance benefits that were provided to the members of the VEBA Sub-Class, who were participants in Defendant Carolina Telephone & Telegraph Company Voluntary Employee Beneficiary Association, including Plaintiffs Fulghum, Daniel, Hollingsworth, Dorman, Joyner, Barnes, Games and Bullock, became effective on September 1, 2007. The termination of medical and prescription drug benefits and subsidies, and the reduction of the amount of life insurance benefits provided to all other Plaintiffs and Class members, became effective on January 1, 2008.

31. On the same day in July 2007 that it announced its terminations and reductions of retiree benefits, Embarq reported to shareholders that these terminations and reductions would reduce Embarq's post-retirement benefits expense by \$20 million during the second half of 2007, result in annual cash savings to Embarq of approximately \$40 million per year beginning in 2008, and reduce its long-term postretirement benefits obligations by \$301 million.

32. Upon information and belief, at all times pertinent to this lawsuit, Defendant Embarq and its predecessors in interest were the Plan Sponsors of the retiree benefit plans at issue in this lawsuit within the meaning of ERISA § 3(16), 29 U.S.C. § 1002(16)(a) & (b), and were fiduciaries of those plans within the meaning of ERISA § 3(21), 29 U.S.C. § 1002(21), due to the fact that they exercised discretionary authority or control respecting the management of the plans, exercised authority and control respecting management or disposition of the plans' assets, and/or had discretionary authority or responsibility in the administration of the plans.

33. Employees and agents of Defendant Embarq and its predecessors in interest

including Defendant Randall T. Parker, acting in a fiduciary capacity, explained the company's retiree benefits and made numerous misrepresentations to Plaintiffs and the members of the Class regarding their lifetime rights to post-retirement benefits from the plans at issue in this Complaint. Such conduct occurred within the course and scope of the employment and fiduciary agency of these Embarq employees and agents. As hereinafter alleged, if the benefits were not in fact secure from reduction or termination during retirement, then Defendant Embarq and its predecessors in interest systematically misrepresented these benefits to Plaintiffs and the members of the Class, by misleading failures to clearly and conspicuously disclose material information about the benefits and/or by affirmative misrepresentations of material information about the benefits.

34. Defendant Embarq Retiree Medical Plan is an employee welfare benefit plan within the meaning of ERISA § 3(1), 29 U.S.C. § 1002(1), and is established and maintained by Defendant Embarq for the purpose of providing subsidized retiree medical and prescription drug benefits to former employees of Embarq and its predecessors who meet certain age and service requirements, and similar benefits to their eligible spouses and dependents. Upon information and belief, Defendant Embarq Retiree Medical Plan is an entity which may be sued pursuant to ERISA § 502(d), 29 U.S.C. § 1132(d).

35. Defendant Employee Benefits Committee of Embarq Corporation (hereinafter "the Committee") is sued herein in its capacity as named Plan Administrator of Defendant Embarq Retiree Medical Plan. It is an entity named in Defendant Embarq Retiree Medical Plan as one which may be sued pursuant to ERISA § 502(d), 29 U.S.C. § 1132(d).

36. Defendant Sprint Nextel Corporation ("Sprint Nextel") is a corporation incorporated under the laws of the State of Kansas, with its principal places of business in

Overland Park, Kansas and Reston, Virginia. Upon information and belief, Defendant Sprint Nextel was formerly known as United Utilities, Incorporated, then as United Telecommunications, Inc., and then as Sprint Corporation, before becoming Sprint Nextel Corporation. Upon information and belief, Defendant Sprint Nextel is one of the largest telecommunications companies in the United States with more than \$43.6 billion in annual revenues.

37. Upon information and belief, during some or all of the times pertinent to this lawsuit, Defendant Sprint Nextel and its predecessors in interest were the Plan Administrators and Plan Sponsors of the plans covered by this Complaint within the meaning of ERISA § 3(16), 29 U.S.C. § 102(16)(A) and (B), and were fiduciaries of the plans within the meaning of ERISA § 3(21), 29 U.S.C. § 1002(21), due to the fact that they exercised discretionary authority or control respecting the management of the plans, exercised authority or control respecting management or disposition of the plans' assets, and/or had discretionary authority or responsibility in the administration of the plans.

38. Upon information and belief, Defendant Sprint Nextel has a history of age discrimination. In May, 2006, Sprint Nextel agreed to pay \$5.5 million to settle a class action lawsuit filed in the Northern District of Georgia for a group of 462 former employees who alleged that they were targeted for layoffs in 2003 and 2004 because they were older workers. On May 19, 2007, Sprint Nextel agreed to pay \$57 million to settle a class action lawsuit filed in the District of Kansas for a group of 1,697 former employees who alleged that they were targeted for layoffs between October 1, 2001 and March 31, 2003 because they were older workers.

39. Plaintiffs and the members of the Class were participants in the retiree benefit plans of Defendant Sprint Nextel, but many of the assets and obligations of those plans were assigned

and transferred without their consent to Defendant Embarq and its various retiree benefit plans. Defendant Sprint Nextel therefore remains liable to perform these benefits obligations to Plaintiffs and the members of the Class in the absence of performance by Defendant Embarq.

40. Employees and agents of Defendant Sprint Nextel and its predecessors in interest including Defendant Randall T. Parker, acting in a fiduciary capacity, explained the company's retiree benefits and made numerous misrepresentations to Plaintiffs and the members of the Class regarding their lifetime rights to post-retirement benefits from the plans at issue in this Complaint. Such conduct occurred within the course and scope of the employment and fiduciary agency of these Sprint Nextel employees and agents. As hereinafter alleged, if the benefits were not in fact secure from reduction or termination during retirement, then Defendant Sprint Nextel and its predecessors in interest systematically misrepresented these benefits to Plaintiffs and the members of the Class, by misleading failures to clearly and conspicuously disclose material information about the benefits and/or by affirmative misrepresentations of material information about the benefits.

41. Defendant Embarq Mid-Atlantic Management Services Company formerly known as Sprint Mid-Atlantic Telecom, Inc. ("Embarq Mid-Atlantic") is a North Carolina corporation that was previously known as Sprint Mid-Atlantic Telecom, Inc., with its principal place of business in Wake Forest, North Carolina. Upon information and belief, Defendant Embarq Mid-Atlantic is a wholly-owned subsidiary of Defendant Embarq.

42. During some or all of the pertinent times, Defendant Embarq Mid-Atlantic was a Plan Administrator and Plan Sponsor of certain of the plans covered by this Complaint within the meaning of ERISA § 3(16), 29 U.S.C. § 102(16)(A) and (B), and was a fiduciary of those plans within the meaning of ERISA § 3(21), 29 U.S.C. § 1002(21), due to the fact that it



exercised discretionary authority or control respecting the management of the plans, exercised authority or control respecting management or disposition of the plans' assets, and/or had discretionary authority or responsibility in the administration of the plans.

43. Defendants Sprint Retiree Medical Plan, Group Health Plan for Certain Retirees and Employees of Sprint Corporation, Sprint Welfare Benefit Plan for Retirees and Non-Flexcare Participants, and Sprint Group Life and Long Term Disability Plan are employee welfare benefit plans within the meaning of ERISA § 3(1), 29 U.S.C. § 1002(1), established and maintained by Defendant Sprint Nextel and its predecessors in interest for the purpose of providing subsidized retiree medical, prescription drug and life insurance benefits to former employees who meet certain age and service requirements, and to their eligible dependents and spouses.

44. Upon information and belief, each of these defendant plans is an entity which may be sued pursuant to ERISA § 502(d), 29 U.S.C. § 1132(d). Each of these defendant plans remains liable to perform the benefit obligations that Sprint Nextel assigned to Embarq.

45. Upon information and belief, Defendant Carolina Telephone and Telegraph Company LLC formerly known as Carolina Telephone and Telegraph Company ("CT&T") is a North Carolina corporation with its principal place of business in Wake Forest, North Carolina. CT&T was formerly known as Carolina Telephone and Telegraph Company and was a wholly-owned subsidiary of Defendant Sprint Nextel. Currently, it is a wholly owned subsidiary of Defendant Embarq.

46. Upon information and belief, during some or all of the times pertinent to this lawsuit, Defendant CT&T and its predecessors in interest were Plan Administrators and Plan Sponsors of certain of the plans covered by this Complaint within the meaning of ERISA §

3(16), 29 U.S.C. § 102(16)(A) and (B), and were fiduciaries of the plans within the meaning of ERISA § 3(21), 29 U.S.C. § 1002(21), due to the fact that they exercised discretionary authority or control respecting the management of the plans, exercised authority or control respecting management or disposition of the plans' assets, and/or had discretionary authority or responsibility in the administration of the plans. Employees and agents of Defendant CT&T and its predecessors in interest including Defendant Randall T. Parker, acting in a fiduciary capacity to explain the company's retiree benefits, made numerous misrepresentations to Plaintiffs and the members of the Class regarding their lifetime rights to post-retirement benefits from the plans at issue in this Complaint. Such conduct occurred within the course and scope of the employment and fiduciary agency of these CT&T employees and agents. As hereinafter alleged, if the benefits were not in fact secure from reduction or termination during retirement, then Defendant CT&T and its predecessors in interest systematically misrepresented the benefits to Plaintiffs and the members of the Class, by misleading failures to clearly and conspicuously disclose material information about the benefits and/or by affirmative misrepresentations of material information about the benefits.

47. Defendant Group Life, Accidental Death and Dismemberment and Dependent Life Plan for Employees of Carolina Telephone and Telegraph Company is an employee welfare benefit plan within the meaning of ERISA § 3(1), 29 U.S.C. § 1002(1), established and maintained by Defendant CT&T and its predecessors and successors, for the purpose of providing subsidized retiree medical, prescription drug and life insurance benefits to former employees who meet certain age and service requirements, and to their eligible spouses and dependents. Upon information and belief, this plan is a legal entity which may be sued pursuant to ERISA § 502(d), 29 U.S.C. § 1132(d).

48. Upon Information and belief, Defendant Carolina Telephone and Telegraph Company Voluntary Employees' Beneficiary Association Sickness Death Benefit Plan ("VEBA") is an employee welfare benefit plan within the meaning of ERISA § 3(1), 29 U.S.C. § 1002(1), established and maintained by Defendant CT&T and its predecessors and successors, for the purpose of providing subsidized retiree medical, prescription drug and life insurance benefits to former employees who meet certain age and service requirements, and to their eligible spouses and dependents. Defendant VEBA is an entity which may be sued pursuant to ERISA § 502(d), 29 U.S.C. § 1132(d).

49. Upon information and belief, Defendant Randall T. Parker is a Kansas resident and serves as the Plan Administrator for all of the Defendant plans of Embarq Corporation and Defendant CT&T which are named in this lawsuit. In this capacity, Defendant Parker is and has been a fiduciary of the plans within the meaning of ERISA § 3(21), 29 U.S.C. § 1002(21), due to the fact that he exercised discretionary authority or control respecting the management of the plans, exercised authority or control respecting management or disposition of the plans' assets, and/or had discretionary authority or responsibility in the administration of the plans. Defendant Parker, acting in a fiduciary capacity to explain the retiree benefits provided by the plans, authorized, ratified, or made numerous misrepresentations to Plaintiffs and the members of the Class regarding their lifetime rights to post-retirement benefits from the plans at issue in this Complaint. Such conduct occurred within the course and scope of his employment and fiduciary agency with Defendants Embarq and Sprint and their predecessors in interest. As hereinafter alleged, if the benefits were not in fact secure from reduction or termination during retirement, then Defendant Parker systematically misrepresented the benefits to Plaintiffs and the members of the Class, by misleading failures to clearly and conspicuously disclose material information

about the benefits and/or by affirmative misrepresentations of material information about the benefits.

### **CLASS ACTION ALLEGATIONS**

50. Plaintiffs bring this action as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of the following Class:

All persons, including all plan participants and all eligible spouse and dependent plan beneficiaries, whose rights to medical, prescription drug, and/or life insurance benefits or premium subsidies have been adversely affected by the terminations, reductions and changes in retiree benefits which were announced (1) by Defendant Sprint Nextel Corporation in or about November 2005, and (2) by Defendant Embarq Corporation on July 26, 2007.

The Class includes several Sub-Classes, all the members of which are also members of the Class:

(a) The “VEBA Sub-Class” is defined as follows:

All members of the Class who were participants or beneficiaries in the Carolina Telephone & Telegraph Voluntary Employee Beneficiary Association (VEBA) as of July 26, 2007.

(b) The “Ohio Age Claim Sub-Class” is defined as follows:

All members of the Class whose final place of employment by any Defendant or any of their affiliates or subsidiaries was in the State of Ohio.

(c) The “Oregon Age Claim Sub-Class” is defined as follows:

All members of the Class whose final place of employment by any Defendant or any of their affiliates or subsidiaries was in the State of Oregon.

(d) The “Tennessee Age Claim Sub-Class” is defined as follows:

All members of the Class whose final place of employment by any Defendant or any of their affiliates or subsidiaries was in the State of Tennessee.

51. The members of the Class and Sub-Classes are so numerous that joinder of all members is impracticable. The exact number of Class members is currently unknown to

Plaintiffs. However, the Form 5500 Annual Report for the Sprint Welfare Benefit Plan for Retirees for the year 2004 disclosed that there were 12,975 retired participants in the plan as of January 1, 2004.

52. The exact number of members of each Sub-Class is currently unknown to Plaintiffs.

- a. However, with respect to the VEBA Sub-Class, the Form 5500 Annual Report for the VEBA for the year 2005 disclosed that there were 2,569 retired participants who were entitled to future benefits from the plan as of January 1, 2005.
- b. With respect to the Ohio Age Claim Sub-Class, Plaintiffs do not yet have access to information identifying all of its members. However, due to Defendants' extensive operations in the State of Ohio, it is expected that this Sub-Class includes at least hundreds of members.
- c. With respect to the Oregon Age Claim Sub-Class, Plaintiffs do not yet have access to information identifying all of its members. However, due to Defendants' extensive operations in the State of Oregon, it is expected that this Sub-Class includes at least hundreds of members.
- d. With respect to the Tennessee Age Claim Sub-Class, Plaintiffs do not yet have access to information identifying all of its members. However, due to Defendants' extensive operations in the State of Tennessee, it is expected that this Sub-Class includes at least hundreds of members.

53. Common questions of law or fact exist as to all Class and Sub-Class members and these questions predominate over any questions solely affecting individual members. Among the questions of law or fact common to the Class and Sub-Classes are:

- a. whether Plaintiffs and the members of the Class have been or will be unlawfully excluded from and deprived of their rights under Defendants' ERISA benefit plans and whether Defendants breached the terms of these plans and breached their strict ERISA fiduciary duties to Plaintiffs and the members of the Class;
- b. whether Defendants violated ERISA by cutting off Grand-fathered Life Insurance benefits (as described below) to Plaintiffs and the members of the VEBA Sub-Class who have a right to participate in the VEBA;
- c. whether Defendants violated the rights of Plaintiffs Kenneth A. Carpenter and Betty A. Carpenter and the members of the Ohio Age Claim Sub-Class under the Ohio Civil Rights Act, Ohio Rev. Code § 4112.02(A), to be free from direct or indirect age discrimination in their retirement benefits by eliminating or reducing the benefits at issue herein on account of their age and attainment of Medicare eligibility;
- d. whether Defendants violated the rights of Plaintiffs Somdahl and Dugger and the members of the Oregon Age Claim Sub-Class under the Oregon Civil Rights Act, O.R.S. § 659.030A(1)(b), to be free from direct or indirect age discrimination in their retirement benefits by eliminating or reducing the benefits at issue herein on account of their age and attainment of Medicare eligibility;
- e. whether Defendants violated the rights of Plaintiff Shipley and the members of the Tennessee Age Claim Sub-Class under the Tennessee Human Rights Act, Tennessee Stat. §§ 4-21-101 *et seq.*, to be free from

direct or indirect age discrimination in their retirement benefits by eliminating or reducing the benefits at issue herein on account of their age and attainment of Medicare eligibility; and

- f. whether Plaintiffs and the members of the Class and Sub-Classes are entitled to the relief prayed for in this Complaint.

54. The proposed representative plaintiffs for the Class are Plaintiffs Fulghum, Daniel, Hollingsworth, Dorman, King, Joyner, Dillon, Barnes, Games, Bullock, Clark, Pittman, Britt, McLaurin and Burgess. Each of these Plaintiffs is a member of the Class and presents claims that are typical of the claims of the members of the Class.

55. The proposed representative plaintiffs for the VEBA Sub-Class are Plaintiffs Fulghum, Daniel, Hollingsworth, Dorman, Joyner, Barnes, Games, Bullock, Clark, Pittman, Britt, McLaurin and Burgess. Each of these Plaintiffs is a member of the VEBA Sub-Class and presents claims that are typical of the claims of the members of this Sub-Class.

56. The proposed representative plaintiffs for the Ohio Age Claim Sub-Class are Plaintiffs Kenneth A. Carpenter and Betty A. Carpenter. Each of these Plaintiffs is a member of the Ohio Age Claim Sub-Class and presents claims that are typical of the claims of the members of this Sub-Class.

57. The proposed representative plaintiffs for the Oregon Age Claim Sub-Class are Plaintiffs Somdahl and Dugger. Each of these Plaintiffs is a member of the Oregon Age Claim Sub-Class and presents claims that are typical of the claims of the members of this Sub-Class.

58. The proposed representative plaintiff for the Tennessee Age Claim Sub-Class is Plaintiff Lewis D. Shipley. Plaintiff Shipley is a member of the Tennessee Age Claim Sub-Class and presents claims that are typical of the claims of the members of this Sub-Class.

59. The above-designated representative plaintiffs will fairly and adequately protect the interests of the members of the Class and Sub-Classes and have retained counsel who are competent and experienced in class action, employee benefits and employment discrimination litigation.

60. The above-designated representative plaintiffs do not have interests that are antagonistic to, or in conflict with the members of the Class and Sub-Class whom they seek to represent as class representatives.

61. Class certification is appropriate under Rules (23)(b)(1)(B) and (b)(2), Fed. R. Civ. P., because adjudications with the respect to individual Class and Sub-Class members would as a practical matter be dispositive of the interests of other members, and Defendants have acted on grounds generally applicable to the Class and Sub-Classes, making appropriate declaratory, injunctive and other equitable relief on a class-wide basis.

62. In the event that the Class or any Sub-Class is not certified under Rules (23)(b)(1)(B) and/or (b)(2), Fed. R. Civ. P., class certification would be appropriate for the Class or such Sub-Class under Rule 23(b)(3), Fed. R. Civ. P., because common issues of law and fact predominate over any individual issues. In addition, a class action is superior to other available methods for the fair and efficient adjudication of this controversy since joinder of all Class members and Sub-Class members is impracticable. This District is an appropriate forum in which to concentrate all litigation relating to the subject retiree benefits. Furthermore, the expense and burden of individual litigation makes it impractical for members of the Class and Sub-Classes to pursue individual litigation to vindicate their rights. Plaintiffs are not aware of any problems that would militate against the maintenance of this action as a class action. In the alternative, Plaintiffs plead their cases individually and, if necessary, will amend this



Complaint to allow the thousands of other Class and Sub-Class members to bring their own claims in an individual capacity.

### **STATEMENT OF FACTS**

63. Most of the retirees who are members of the Class are former long-term management and unionized employees of once independent regional and local telephone companies that are now wholly-owned subsidiaries of Defendant Embarq. Without limiting the scope of the Class, these telephone companies were located in the states of, inter alia, Kansas, North Carolina, South Carolina, Georgia, Florida, Ohio, Pennsylvania, Illinois, Indiana, New Jersey, Texas, Maryland, Virginia, West Virginia, Tennessee, Kentucky, Minnesota, Missouri, New Hampshire, Nevada, Oregon and Washington.

64. As was true throughout the telecommunications industry during the decades of their dedicated service, the employers of Plaintiffs and the members of the Class attracted and retained them and other employees through their programs of retiree benefits, including the subject medical, prescription drug, and life insurance benefits. In addition, based upon their representations that these benefits were a long-term liability of the companies, the employers secured funding for these benefits through their periodic filings with the various state public utilities commissions which had regulatory authority over their rates and other revenue-producing activities. Throughout their careers, Plaintiffs and the members of the Class accepted lower levels of current compensation based on their understanding derived from employer communications that their work was earning them a valuable program of retiree benefits that would make their post-retirement years financially secure.

65. The history of this benefits treatment by the employer predecessors of Defendants is

illustrated by the experience of Class members who were former employees of Defendant Carolina Telephone & Telegraph Company (“CT&T”). In 1900, the Carolina Telephone and Telegraph Company was formed as a North Carolina corporation, having been created by the merger of the Tarboro Telephone Company and other local telephone and telegraph carriers. It is now known as Carolina Telephone and Telegraph, LLC. Defendant CT&T provides telecommunication services in eastern North Carolina under the Embarq name and logo.

66. Upon information and belief, during the 1940’s CT&T began to offer medical insurance benefits to its employees. In 1964, CT&T created the VEBA. Defendant VEBA was a plan pre-funded by tax-favored employer contributions made by CT&T and its successors. The VEBA provided disability and death benefits to current employees of CT&T and death benefits to retirees of CT&T. The death benefit was defined by the VEBA as an amount equal to twelve months of annual wages for the employee or the retiree at his final salary, or \$500, whichever amount was greater.

67. On or about March 28, 1969, CT&T became a wholly owned subsidiary of United Utilities Inc., a Kansas City holding company. United Utilities Inc. continued its operations in North Carolina under the name of its subsidiary, CT&T.

68. Upon information and belief, during 1971, CT&T established a new employee welfare benefit plan to provide its employees and retirees with additional life insurance at no cost to the employee (“the Grand-fathered Life Insurance”). The Grand-fathered Life Insurance was in addition to the VEBA death benefit and was not a replacement for that benefit.

69. The Grand-fathered Life Insurance plan provided employees with a death benefit in the amount of two times their annual salary (rounded down to the nearest \$1,000) for the first five years of their retirement. After five years of retirement, the Grand-fathered Life Insurance

provided a death benefit in an amount equal to one times the employee's annual salary (rounded down to the nearest \$1,000), with coverage continuing at that amount for the remainder of the employee's life.

70. Upon information and belief, this Grand-fathered Life Insurance was provided as part of the Defendant Group Life, Accidental Death and Dismemberment and Dependent Life Plan for Employees of Carolina Telephone and Telegraph Company.

71. In 1972, United Utilities Inc. changed its name to United Telecommunications Inc. United Telecommunications continued its operations in North Carolina under the name of its subsidiary, CT&T.

72. Upon information and belief, Defendant Sprint Nextel and CT&T and their predecessors, and later Defendant Embarq, obtained insurance contracts to fulfill their obligations to provide the Grand-fathered Life Insurance to CT&T employees and retirees, until this benefit was cut-off by Embarq on July 26, 2007, one of the benefit cutbacks at issue in this lawsuit.

73. On or about September 1, 1973, United Telecommunications adopted an "early retirement" program for retirees, including retirees of Defendant CT&T, to encourage more senior, and in general more highly paid, employees to retire earlier than they otherwise would have.

74. Such early retirement programs were repeatedly utilized by the employer Defendants and their predecessors in interest to induce senior employees to retire early and thereby create significant savings for the employers by avoiding payroll, fringe benefit and additional pension accruals and costs for the employees who were induced to retire early.

75. In addition, from the time of the 1973 program forward, the employer Defendants

and Defendant Parker also exploited and publicized upcoming prospective changes in retiree benefits, including changes in the benefits at issue in this lawsuit, as a second means of inducing employees to take early retirement. Defendants informed Plaintiffs and other members of the Class that accepting early retirement would enable them to retain their vested medical and life insurance benefits and avoid application of the upcoming changes in these benefits. Due to the financial importance of these benefits to retirees and their spouses over their anticipated years of retirement, the opportunity to secure these benefits was a powerful motivator for employees to accept early retirement.

76. On or about 1977, Defendant CT&T, which was a subsidiary of United Telecommunications, merged with two other regional telephone companies, United Telephone Company of the Carolinas and Norfolk Carolina Telephone Company, and expanded its service area into parts of Virginia and South Carolina.

77. On information and belief, from 1977, if not earlier, until 2007, Defendant CT&T and the other Defendant employers provided employees and retirees with subsidized medical and prescription drug benefits through the Defendant ERISA benefit plans, together with company-paid life insurance benefits (which were equal to as much as \$ 40,000 to a surviving spouse or other beneficiary).

78. For at least thirty years, from at least 1977, if not earlier, until July 26, 2007 (when most of the benefit changes at issue in this lawsuit were announced), Defendants repeatedly misrepresented these benefits to Plaintiffs and Class members. As a result, Plaintiffs and Class members were induced to understand that they would continue after and throughout retirement to receive the company-subsidized and company-paid medical and prescription drug benefits for their lifetimes.

79. On information and belief, from 1977 until the retirements of Plaintiffs, Defendants also offered employees and retirees the opportunity to purchase optional life insurance benefits at group rates, but solely at the employee's or retiree's own expense.

80. The majority of Plaintiffs and Class members were induced by Defendants' misrepresentations about the company-paid life insurance benefits, VEBA death benefits, and Grand-fathered Life Insurance benefits to understand that these benefits and coverages were secure and adequate protection for their surviving spouses and dependents, and they generally declined their opportunity to obtain optional life insurance coverage, either through Defendants' own programs or on the open market.

81. For at least thirty years, from at least 1977, if not earlier, until July 26, 2007 (when most of the benefit changes at issue in this lawsuit were announced), Defendants repeatedly represented to Plaintiffs and the members of the Class, both orally and in writing, that they would continue after and throughout retirement, i.e., until they died, to receive the company-paid life insurance benefits coverage, and in the case of the VEBA Sub-Class, the Grand-fathered Life Insurance benefits coverage (in an amount equal to twice their final annual salary, reduced to the amount of their final annual salary after five years of retirement) in addition to their VEBA death benefits, and that these life insurance and death benefits would be provided at no cost.

82. For example, on or about February 23, 1987, William T. Esrey, President and Chief Executive Officer of United Telecommunications Inc., notified eligible employees of Defendant CT&T of a new incentive to retire early. The incentive allowed employees to retire at age 62 or older with no actuarial reduction in benefits due to early commencement of the pension, and to retire at age 55 with ten years of continuous service. These changes allowed employees to obtain greater pension benefits if they retired under the program.

83. At the same time, Defendant CT&T and its parent company, United Telecommunications, the predecessor of Defendants Sprint Nextel and Embarq, also represented that employees who elected to retire would continue after and throughout retirement to have company-paid and subsidized medical and prescription drug benefits and fully-paid Grand-fathered Life Insurance and VEBA death benefits for their lifetimes.

84. On or about September 11, 1989, United Telecom announced that it was rolling out a new “Flexcare” benefit plan to provide health and pharmacy benefits to the employees in a “cafeteria” style plan.

85. On October 26, 1989, United Telecom President and Chief Executive Officer William T. Esrey announced to employees that the retiree medical plan was going to change and become less valuable due to a new premium-sharing method, effective with retirements occurring on and after January 1, 1991.

86. The changes that were prospectively announced in October 1989 also were intended to induce and did induce employees to retire early in order to retain their retiree medical benefits in their pre-change form throughout retirement.

87. Employees who retired during calendar year 1990 were provided with handouts representing or strongly implying that they would continue to receive subsidized medical and prescription drug benefits and the Grand-fathered Life Insurance throughout the duration of their retirements up until their deaths.

88. Employees retiring after January 1, 1991 were to receive their healthcare benefits under a Flexcare plan (cafeteria plan) allowing them credits toward the premiums for their years of service and a choice of different indemnity health insurance plans. Defendants did not reserve, or did not clearly and conspicuously communicate the right to reduce or terminate these

subsidized health and prescription drug benefits offered to retirees or warn Plaintiffs and Class members of the existence of any such right.

89. Despite the adoption of the Flexcare plan, Defendants specifically and repeatedly represented or strongly implied to longtime CT&T employees, including Plaintiffs and members of the Class, that their Grand-fathered Life Insurance would be available post-retirement for the rest of their lives at no cost.

90. In early 1992, United Telecommunications changed its name to Sprint Corporation. After this name change, the medical and prescription drug benefits plans that had been maintained by United Telecommunications adopted the Sprint name, including Defendants Sprint Retiree Medical Plan, Group Health Plan for Certain Retirees and Employees of Sprint Corporation, Sprint Welfare Benefit Plan for Retirees and Non-Flexcare Participants, and Sprint Group Life and Long Term Disability Plan.

91. In late April or May 1992 and at times thereafter, CT&T employees received an “Employee Bulletin” dated April 28, 1992, and bearing the Sprint logo and issued by the Corporate Communications Department. This document reaffirmed their right to both the Grand-fathered Life Insurance coverage and the VEBA death benefit.

92. In 1992, Sprint Corporation acquired and merged with Centel Corporation (formerly known as Central Telephone Co.), another major independent local telephone company and cellular provider. Before its acquisition by Sprint, Centel likewise sponsored benefit plans providing company-paid medical, prescription drug, and life insurance benefits to its retired employees. Centel likewise repeatedly misrepresented these benefits to Class members, thereby inducing them to understand that they would continue after and throughout retirement to receive the company-subsidized and company-paid medical, prescription drug, and

life insurance benefits for their lifetimes. The claims asserted in this Amended Complaint encompass all such Centel-heritage Class members.

93. On or about December 15, 1993, Sprint Mid-Atlantic announced prospective changes in its retirement plans to induce employees to retire early. Those changes included additional changes in the retiree benefit plans, but they did not alter the promise to provide Plaintiffs and the members of the Class with subsidized medical and prescription drug benefits, and fully paid Grand-fathered Life Insurance and VEBA death benefits.

94. On December 15, 1993, Defendant Randall T. Parker, writing as Director of Benefit Program Management for Sprint, informed employees that “the cost of basic retiree life insurance will now be totally paid by the company for all non-bargaining employees who retire after January 1, 1994. Upon retirement you will receive life insurance coverage of 50% of eligible pay, to a maximum of \$25,000.” This improved life insurance benefit was in addition to the Grand-fathered Life Insurance coverage and the VEBA death benefit for members of the VEBA Sub-Class.

95. On or about October 17, 2001, Defendant Sprint announced further, prospective changes in the retiree welfare benefit plans and new incentives to retire early. Sprint announced that it was changing the medical and prescription drug benefits program to a “SHARE” program and that employees who did not elect to retire by December 31, 2001 would no longer be eligible to retire with the traditional plan of company-paid and subsidized medical and prescription drug benefits. Defendant Sprint also announced that it was changing its retirement benefit programs and that any employees who were participants in the VEBA and who elected to retire after December 31, 2001 would no longer be entitled to the Grand-fathered Life Insurance.

96. At the same time, Linda J. Wallace, Benefit Supervisor for Sprint in Overland Park,



Kansas, sent out e-mails verifying that the CT&T Grand-fathered Life Insurance equal to “two times salary” would only be available to those who retired by the end of 2001.

97. Through their prospective announcements of changes in benefits for employees who would retire after 2001, Defendants induced many employees, including Plaintiffs Hollingsworth, Dillon, Games and Bullock and other members of the Class, to end their productive careers and retire early in order to retain the existing program of company-paid medical, prescription drug, and life insurance benefits. Some retirees, including Plaintiffs Hollingsworth and Bullock and other members of the Class, also were forced to give up accumulated vacation pay in order to secure a date of retirement by December 31, 2001.

98. Between December 2001 and November 2005 if not later, Defendants continued to systematically misrepresent the subject retiree benefits, so that employees and retirees were led to believe that they would have a right to company-paid and subsidized medical, prescription drug and life insurance benefits. Defendants’ conduct also concealed the fact that Defendants believed they retained the ability to reduce or terminate the benefits that were being received by retirees at any time during their retirements. Accordingly, Plaintiffs and the members of the Class had no reason to believe either that Defendants had misrepresented the benefits, that their rights had been violated by Defendants, that they needed to seek legal counsel to determine their rights, or that legal action was necessary to protect their rights.

99. The benefits information that was the subject of Defendants’ misrepresentations was material, because reasonable employees and retirees, including Plaintiffs and the members of the Class, viewed this information as important to their personal decision-making. As a result of Defendants’ misrepresentations, Plaintiffs and the members of the Class were induced to act on their understanding that they would have a right to receive throughout retirement and for their

lifetimes company-paid and subsidized medical, prescription drug and life insurance benefits. As a further result of the misrepresentations, they made important personal decisions relating to their retirement, their own and their spouses' post-retirement employment, their investments, their purchase of personal and real property, their purchase of life and health insurance, and made other decisions pertinent to household budgeting and finances. Plaintiffs and the members of the Class thereby suffered financial harm from these decisions, which continued throughout their periods of retirement, until they received Sprint's November 2005 announcement that it was terminating the prescription drug benefits, and Embarq's July 2007 announcement that it was terminating medical benefits for Medicare-eligible retirees and dependents and reducing life insurance benefits.

100. In or about November 2005, Defendant Sprint Nextel announced that it was terminating its program of prescription drug benefits for Medicare-eligible retirees and dependents, effective January 1, 2006. The prescription drug program was replaced by an inferior program providing only a monthly allowance of \$ 41.67 (equal to \$ 500 per year) to each Medicare-eligible retiree and dependent to assist them in securing their own prescription drug coverage under Medicare Part D.

101. By letter dated July 26, 2007, Defendant Embarq announced that it was eliminating medical benefits and the program of subsidies for drug benefits for any retirees who were eligible for Medicare.

102. On July 26, 2007, Defendant Embarq also announced that it was eliminating the Grand-fathered Life Insurance benefit and all other life insurance benefit for retirees participating in the VEBA plan. Embarq also announced that it was reducing the level of other life insurance benefits, to a maximum of \$ 10,000, an amount which was as little as 25% of the

pre-existing life insurance benefits.

103. These cutbacks in retiree benefits are unlawful as set forth below and they have caused Plaintiffs and the members of the Class injury and damage in the form of: payment of increased premiums for medical, prescription drug, and life insurance benefits and coverage and charges for medical services and prescription drugs; inability to obtain or maintain alternative medical, prescription drug and life insurance coverage at reasonable cost due to their now advanced ages and impaired health conditions. Plaintiffs and the members of the Class also suffered other financial losses resulting from Defendants' misrepresentations, including the loss of salary, pension and other fringe benefits that they would have received as a result of continued employment had they not been induced by Defendants to retire early, and the loss of income and earnings from post-retirement employment and business opportunities that they would have received had they not been misled by Defendants about the security of their retiree benefits.

### **FIRST CLAIM FOR RELIEF**

#### **RESTORATION OF BENEFITS** **PURSUANT TO ERISA § 502(a)(1)(B), 29 U.S.C. § 1132(a)(1)(B)**

104. Plaintiffs incorporate paragraphs 1 through 103 by reference as though fully set forth herein, including the above-referenced class allegations.

105. This Claim for Relief is brought on behalf of all Class members against all Defendant Plans and against fiduciary Defendants Embarq, the Committee, Sprint Nextel, Embarq Mid-Atlantic, CT&T, and Parker, in their capacities as Administrators of these plans.

106. ERISA § 502(a)(1)(B), 29 U.S.C. § 1132(a)(1)(B), permits a participant or beneficiary to bring suit to restore and reinstate benefits due under the terms of a plan, to enforce his or her rights under a plan, or to clarify his or her rights to future benefits under the terms of a

plan.

107. Upon retirement, Plaintiffs and the members of the Class became entitled to vested and permanent subsidized retiree medical benefits, prescription drug benefits, life insurance benefits, and Grand-fathered Life Insurance benefits under the terms of the plans referred to in this Complaint.

108. In contravention of these rights, Defendants have withheld and will withhold benefits due to Plaintiffs and the members of the Class.

109. Plaintiffs and the members of the Class are entitled to relief in the form of: an Order declaring that the retiree medical benefits, prescription drug benefits and subsidies, and life insurance benefits provided to them by Defendants at the times of their retirements are vested and permanent, and that any plan amendment purporting to reduce or terminate any of such benefits is null and void; an Order reforming the Plans to remove all amendments that have purported to reduce or terminate any of such benefits; an Order enjoining Defendants and the Plans to pay all past due and future medical benefits, prescription drug benefits and subsidies, and life insurance benefits improperly withheld from Plaintiffs and the members of the Class; an award of reasonable attorneys' fees, expenses and costs pursuant to ERISA § 502(g), 29 U.S.C. § 1132(g); and such other relief as the Court may deem equitable and just.

## **SECOND CLAIM FOR RELIEF**

### **VIOLATION OF DUTY TO PROVIDE CLEAR AND ACCURATE PLAN SUMMARIES AND BREACH OF FIDUCIARY DUTY PURSUANT TO ERISA § 502(a)(3), 29 U.S.C. § 1132(a)(3)**

110. Plaintiffs incorporate paragraphs 1 through 103 by reference as though fully set forth herein, including the above-referenced class allegations.

111. This Claim for Relief is brought on behalf of all Class members against fiduciary Defendants Embarq, the Committee, Sprint Nextel, Embarq Mid-Atlantic, CT&T, and Parker.

112. ERISA § 502(a)(3), 29 U.S.C. § 1132(a)(3), permits a participant or beneficiary to bring suit to enjoin any act or practice that violates any provision of Title I of ERISA or the terms of a plan, and to obtain other appropriate equitable relief to redress such violations or to enforce any provision of ERISA.

113. ERISA § 102(a) and (b), 29 U.S.C. § 1022(a) and (b), requires plan sponsors and plan administrators to furnish to plan participants and beneficiaries a summary plan description that is (a) written in a manner calculated to be understood by the average plan participant, and (b) sufficiently accurate and comprehensive to reasonably apprise plan participants and beneficiaries of their rights under the plan, including the circumstances which may result in the denial or loss of benefits. The regulation adopted by the U.S. Department of Labor to implement these requirements, 29 C.F.R. § 2520.102-2, prohibits summary plan descriptions that “have the effect of misleading, misinforming or failing to inform participants and beneficiaries.” Under the regulation, “Any description of exceptions, limitations, reductions or restrictions of plan benefits shall not be minimized, rendered obscure, or otherwise made to appear unimportant.”

114. ERISA § 404(a)(1), 29 U.S.C. § 1104(a)(1), requires that plan fiduciaries discharge their duties with respect to a plan solely in the interest of the participants and beneficiaries and (1) for the exclusive purpose of providing benefits to participants and their beneficiaries, (2) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and like purpose, and (3) in accordance with the documents and instruments governing the plan. Explaining and describing the subject retiree benefits is an

essential fiduciary act of plan administration which is subject to these strict fiduciary duties.

115. If the subject medical, prescription drug and life insurance benefits and subsidies were not in fact secure from reduction or termination during retirement, then Defendants violated ERISA § 102(a) and (b), 29 U.S.C. § 1022(a) and (b), by failing to issue summary plan descriptions which prominently, clearly and accurately disclosed this fact in a manner that could be understood by the average plan participant. During the time period when Plaintiffs and the members of the Class were approaching retirement and electing to retire, Defendants repeatedly issued summary plan descriptions that did not make clear that the subject retiree benefits could be amended or terminated during a participant's retirement, but rather misinformed and misled participants and beneficiaries into believing that they would receive their benefits until death. To the extent that summary plan descriptions made any disclosure about the possibility of amendment or termination of benefits or the plan, Defendants employed vaguely worded and obscurely placed phraseology that did not prominently and clearly disclose the applicability of such potential actions to the benefits of participants who already were retired.

116. If the subject medical, prescription drug and life insurance benefits and subsidies were not in fact secure from reduction or termination during retirement, then each of the fiduciary Defendants also violated ERISA § 404(a), 29 U.S.C. § 1104(a), because each was aware of this highly material fact but misrepresented the terms of the Plans to Plaintiffs and the members of the Class by their misleading failures to clearly and conspicuously disclose this material information about the benefits and/or by affirmatively misrepresenting or strongly implying that these benefits would be provided for the lifetimes of the retirees. Defendants knew (or as reasonable fiduciaries should have known or foreseen) that their conduct in so describing the benefits was false and misleading. Defendants also knew (or as reasonable fiduciaries should

have known or foreseen) that the benefits information was important to reasonable employees and retirees, including Plaintiffs and the members of the Class, and was influencing their important personal decisions such as whether and when to retire, and that Defendants' misrepresentations were confusing them, both before and after retirement, into understanding that their retiree benefits were secure. Defendants intended and expected that Plaintiffs and the members of the Class would have and act on this understanding. Notwithstanding the highly material nature of the benefits information that Defendants misrepresented, Defendants did not act to correct the understanding of Plaintiffs and the members of the Class but instead acted to reinforce their understanding of secure benefits through their continued, pervasive misrepresentations.

117. If the subject medical, prescription drug and life insurance benefits and subsidies were not in fact secure from reduction or termination during retirement, then each of the fiduciary Defendants breached its strict fiduciary duties to Plaintiffs and the members of the Class on a continuing basis by misrepresenting the benefits through their failure to clearly and conspicuously disclose to Plaintiffs and the members of the Class (a) complete, accurate and non-misleading material information regarding the possibility of future adverse changes to their retiree medical, prescription drug, and life insurance benefits, (b) the material information that these benefits were not secure and that changes to the retiree medical, prescription drug, and life insurance benefits were possible and/or were under serious consideration. Defendants also committed related acts of affirmative, uniform misrepresentations about the benefits and concealed material information.

118. In addition, each of the fiduciary Defendants was a "co-fiduciary" and is jointly liable for all breaches committed by each other fiduciary Defendant and each other non-

defendant fiduciary, including each Defendant's employees and agents, which misrepresented material information about the benefits, under Section 405 of ERISA, 29 U.S.C. § 1105. Under this provision, each fiduciary Defendant is liable because each (a) knowingly participated in, or knowingly undertook to conceal, acts or omissions of one or more other fiduciaries regarding the benefits misrepresentations, knowing such acts or omissions were a breach; (b) by the failure to train, supervise and monitor the other fiduciaries, enabled one or more other fiduciaries to commit a fiduciary breach in misrepresenting material benefits information and thereby failing to comply with its own fiduciary duties in the administration of its specific responsibilities to accurately and clearly provide the benefits information; and/or (c) knew of a breach by one or more other fiduciaries in the misrepresentation of material benefits information but failed to make reasonable efforts under the circumstances to adequately correct and cure the misrepresentations and otherwise remedy the breach.

119. As a direct and proximate result of Defendants' violations of their ERISA duties to prepare and distribute understandable summary plan descriptions and their violations of their strict fiduciary duties by misrepresenting and concealing material benefits information, Plaintiffs and the members of the Class have been harmed.

120. Plaintiffs and the members of the Class are entitled to equitable relief to fully remedy Defendants' violations, including an Order enjoining Defendants, and each of them, to reinstate, restore and provide to them the subject retiree medical, prescription drug, and life insurance benefits and subsidies.

121. Plaintiffs and the members of the Class are also entitled to further equitable relief, including entry of an Order requiring an accounting by Defendants of all profits and savings attributable to their fiduciary violations, including all profits and savings resulting from their



inducement of early retirements and from elimination of company-paid and subsidized retiree medical, prescription drug and life insurance benefits; disgorgement of all such profits; other surcharges on Defendants and monetary relief to make Plaintiffs and the members of the Class whole for all losses and harms caused by the fiduciary violations; an award of reasonable attorneys' fees, expenses and costs pursuant to 29 U.S.C. § 1132(g); and such other and further relief as the Court may deem equitable and just

**THIRD CLAIM FOR RELIEF**

**DECLARATORY RELIEF PURSUANT TO  
28 U.S.C. § 2201 AND ERISA § 502(a)(1)(B) and (3), 29 U.S.C. § 1132(a)(1)(B) and (3)**

122. Plaintiffs incorporate paragraphs 1 through 103 by reference as though fully set forth herein, including the above-referenced class allegations.

123. This Claim for Relief is brought on behalf of all Class members against all Defendant Plans, against Defendant Embarq in its capacity as sponsor of these plans, and against fiduciary Defendants Embarq, the Committee, Embarq Mid-Atlantic, CT&T, and Parker in their capacities as Administrators of these plans.

124. This claim is brought under 28 U.S.C. § 2201 and ERISA § 502(a)(1)(B) and (3), 29 U.S.C. § 1132(a)(1)(B) and (3).

125. An actual controversy exists between the parties as follows: Plaintiffs and the members of the Class and VEBA Sub-Class contend that their company-paid and subsidized retiree medical benefits, prescription drug benefits, and life insurance benefits provided to them at the time of retirement were vested and permanent, or that such benefits otherwise could not be materially reduced or terminated during their retirements. Upon information and belief, Defendant Embarq contends that these benefits were not vested or permanent, and that it

lawfully terminated or reduced these benefits. Due to the recent actions by Defendant Embarq to terminate or reduce these benefits, this controversy warrants declaratory relief.

126. Plaintiffs and the members of the Class are entitled to declaratory relief in the form of an Order determining that Plaintiffs and the members of the Class and VEBA Sub-Class are entitled to reinstatement and restoration of the company-paid and subsidized retiree medical, prescription drug, and life insurance benefits from Defendants, and each of them, in the form in which they received them at the time of their retirements; reasonable attorneys' fees, expenses and costs pursuant to 29 U.S.C. § 1132(g); and such other and further relief as the Court may deem equitable and just.

#### **FOURTH CLAIM FOR RELIEF**

##### **AGE DISCRIMINATION IN VIOLATION OF 29 U.S.C. § 623(a)**

127. Plaintiffs and the Individual Age Discrimination Plaintiffs reallege paragraphs 1 through 103 as though fully set forth herein.

128. The actions of Defendants violate the prohibitions against intentional age discrimination in § 4(a)(1) of the ADEA, 29 U.S.C. § 623(a)(1), and violate the prohibitions against disparate-impact age discrimination in § 4(a)(2) of the ADEA, 29 U.S.C. § 623(a)(2).

129. Plaintiffs Fulghum, Dorman, Daniel, Joyner, Barnes, Games, Bullock, and Hollingsworth bring this Claim for Relief pursuant to the class, collective action provisions of the ADEA, 29 U.S.C. § 626(b), incorporating by reference the remedial provisions of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b). This Claim for Relief is brought against Defendants Embarq, Embarq Mid-Atlantic, and CT&T in their capacities as employers who are subject to the foregoing statutes.

130. The Individual Age Discrimination Plaintiffs bring this Claim for Relief individually on their own behalf and by this pleading hereby state their desire and intention to opt in to any class and/or collective action allowed by the Court pursuant to the provisions of the ADEA and FLSA.

131. Plaintiffs Fulghum, Dorman, Daniel, Joyner, Barnes, Games, Bullock, Hollingsworth, Clark, Pittman, Britt, McLaurin, Burgess and each of the Individual Age Discrimination Plaintiffs filed timely Charges of Discrimination alleging age discrimination in the termination or reduction of their retiree medical, prescription drug, and life insurance benefits with the EEOC, on behalf of themselves and others similarly situated, including the members of the Class.

132. Plaintiffs have exhausted the administrative remedies necessary to proceed with individual claims and with a class, collective action under the ADEA. More than sixty days have elapsed since the Charges of Discrimination were filed.

133. Plaintiffs Fulghum, Dorman, Daniel, Joyner, Hollingsworth, Clark, Pittman, Britt, McLaurin and Burgess bring this Claim for Relief as an opt-in, collective action pursuant to the ADEA, on behalf of the following "ADEA Class":

All persons, including all plan participants and all eligible spouse and dependent plan beneficiaries, whose rights to medical, prescription drug, and/or life insurance benefits or premium subsidies have been adversely affected by the terminations, reductions and changes in retiree benefits which were announced by Defendant Embarq Corporation on July 26, 2007.

134. Defendants' policies announced on July 26, 2007, and variously implemented on September 1, 2007, or January 1, 2008, constituted a pattern or practice of discrimination, making all retirees subject to these policies similarly situated.

135. The U.S. Equal Employment Opportunity Commission promulgated a final

regulation on December 26, 2007, 29 C.F.R. § 1625.32, which was published at 72 Fed. Reg. 72938-72945. The regulation purports to exempt employers from the ADEA with respect to employer revocations or limitations on health insurance benefits, including prescription drug benefits, for retirees who are age 65 or over. 29 C.F.R. § 1625.32(b). The regulation does not authorize revocation or limitation of life insurance benefits. 29 C.F.R. § 1625.32(c).

136. The EEOC's purported exemption of employers from the ADEA with respect to employer revocations or limitations on health insurance benefits, including prescription drug benefits, for retirees aged 65 or over was not authorized by the ADEA and is invalid.

137. The members of the ADEA Class are so numerous that the joinder of all class members prior to filing this lawsuit was impracticable.

138. The exact number of ADEA Class members is currently unknown to Plaintiffs. However, they believe that there are currently 3,000 retirees of the former Carolina Telephone and Telegraph Company and an estimated 14,000 retirees of Embarq Corporation nationwide.

139. Common questions of law or fact exist as to all members of the ADEA Class and these questions predominate over any questions solely effecting individual members of the class. Among the questions of law in common to the class are:

- a. Whether Defendants unlawfully discriminated against Plaintiffs and the members of the ADEA Class on the basis of their age by cutting off their right to company-sponsored and company-subsidized medical insurance.
- b. Whether Defendants unlawfully discriminated against Plaintiffs and the members of the ADEA Class on the basis of their age by eliminating payment of a monthly subsidy to assist in payment for Medicare prescription drug coverage.

- c. Whether Defendants unlawfully discriminated against Plaintiffs and the members of the ADEA Class on the basis of their age by reducing and limiting their life insurance benefits to a \$10,000 death benefit and, in the case of VEBA participants, terminating the life insurance coverage, and therefore depriving them of the bulk of their life insurance benefits.
- d. Whether Plaintiffs and the members of the ADEA Class are entitled to the relief prayed for in this Complaint.

140. All of the Plaintiffs and Individual Age Discrimination Plaintiffs named in this Complaint have opted to assert and proceed with age discrimination claims to challenge the termination or reduction of their retiree medical, prescription drug, and life insurance benefits and subsidies.

141. All of the Individual Age Discrimination Plaintiffs assert their right to individualized relief with respect to the termination or reduction of their retiree medical, prescription drug subsidy, and life insurance benefits (including the Grand-fathered Life Insurance), in the event their ADEA claims cannot proceed as a collective action.

142. Plaintiffs request that the Court establish notification and filing procedures to create an opt-in class, as required by 29 U.S.C. § 216(b), in order to allow other similarly situated persons to join this action.

143. Defendants terminated Plaintiffs' rights to the life insurance coverage, medical insurance coverage, and prescription drug subsidies because of their age. Defendants thereby committed unlawful and discriminatory practices in violation of the provisions of the ADEA, as amended, 29 U.S.C. § 621, *et seq.*

144. Plaintiffs, the Individual Age Discrimination Plaintiffs, and the members of the

ADEA Class are entitled to reinstatement of their benefits, and/or damages for the termination of their benefits, under the provisions of the ADEA.

145. Defendants' conduct, as described above, was willful, therefore entitling Plaintiffs and the members of the ADEA Class to liquidated damages in an amount equal to the damages specified above.

146. Plaintiffs, the Individual Age Discrimination Plaintiffs, and the members of the ADEA Class are further entitled to recover reasonable attorneys' fees and the costs and expenses of this action.

147. On this cause of action under the ADEA, Plaintiffs seek a jury trial.

#### **FIFTH CLAIM FOR RELIEF**

#### **AGE DISCRIMINATION IN VIOLATION OF OHIO CIVIL RIGHTS ACT**

148. Plaintiffs Kenneth Carpenter and Betty Carpenter reallege paragraphs 1 through 103 as though fully set forth herein, including the above-referenced class allegations.

149. This Claim for Relief is brought on behalf of all members of the Ohio Age Claim Sub-Class against Defendant Embarq.

150. Pursuant to Ohio Revised Code § 4112.01(A)(2), the term "employer" includes "any person acting directly or indirectly in the interest of an employer." Defendant Embarq is an "employer" under Ohio law.

151. All direct and indirect, disparate-treatment and disparate-impact forms of age discrimination are violations of Ohio Revised Code § 4112.02(A). The actions of Defendants violate the prohibitions against intentional and/or disparate-impact age discrimination in Ohio Revised Code § 4112.02(A). The Ohio Civil Rights Act is to be given a liberal construction, and

states: “This chapter shall be construed liberally for the accomplishment of its purposes.” Ohio Revised Code § 4112.08.

152. Plaintiffs Kenneth Carpenter and Betty Carpenter, for themselves and all members of the Ohio Age Claim Sub-Class, have elected a judicial remedy under Ohio Revised Code § 4112.02(N).

153. The remedies available under Ohio Revised Code § 4112.02(N) include “any legal or equitable relief that will effectuate the individual’s rights.” Plaintiffs Kenneth Carpenter, Betty Carpenter, and the members of the Ohio Age Claim Sub-Class seek an injunction requiring reinstatement of their medical, prescription drug, and life insurance benefits as they existed prior to January 1, 2008; restraining Defendant Embarq from future discrimination against them because of age; requiring reimbursement of the cost of any replacement insurance policies they have obtained, any benefits they were denied or expenses they incurred, and/or any differences in the benefits they obtained; prejudgment interest; an award of attorneys’ fees and the costs and disbursements of this action, and all other relief allowed by law.

154. On this cause of action under the Ohio Civil Rights Act, Plaintiffs seek a jury trial.

### **SIXTH CLAIM FOR RELIEF**

#### **AGE DISCRIMINATION IN VIOLATION OF OREGON UNLAWFUL DISCRIMINATION LAW**

155. Plaintiffs Somdahl and Dugger reallege paragraphs 1 through 103 as though fully set forth herein, including the above-referenced class allegations.

156. This Claim for Relief is brought by plaintiffs Somdahl and Dugger on behalf of all members of the Oregon Age Claim Sub-Class against Defendant Embarq.

157. Pursuant to O.R.S. § 659A.001(4), the term “employer” “means any person who in

this state, directly or through an agent, engages or uses the personal service of one or more employees, reserving the right to control the means by which such service is or will be performed.” Defendant Embarq is an “employer” under Oregon law.

158. All direct and indirect, disparate-treatment and disparate-impact forms of age discrimination are violations of O.R.S. § 659.030A(1)(b). The actions of Defendants violate the prohibitions against intentional and/or disparate-impact age discrimination in O.R.S. § 659.030A(1)(b).

159. Plaintiffs Somdahl and Dugger, for themselves and all members of the Oregon Age Claim Sub-Class, have elected a judicial remedy under O.R.S. § 659A.885.

160. The remedies available under O.R.S. § 659A.885(1) for violations of O.R.S. § 659A.030(1)(b) include “any legal or equitable relief that will effectuate the individual’s rights,” attorneys’ fees and costs. Plaintiffs Somdahl and Dugger and the members of the Oregon Age Claim Sub-Class seek an injunction requiring reinstatement of their medical, prescription drug, and life insurance benefits as they existed prior to January 1, 2008, restraining Defendant Embarq from future discrimination against them because of age, reimbursement of the cost of any replacement insurance policies they have obtained, reimbursement for any benefits they were denied or expenses they incurred, reimbursement for any differences in the benefits they obtained, prejudgment interest, an award of attorneys’ fees and the costs and disbursements of this action, and all other relief allowed by law.

161. On this cause of action under the Oregon Unlawful Discrimination Law, Plaintiffs seek a jury trial.



**SEVENTH CLAIM FOR RELIEF**

**AGE DISCRIMINATION IN VIOLATION OF TENNESSEE CIVIL RIGHTS ACT**

162. Plaintiff Shipley realleges paragraphs 1 through 103 as though fully set forth herein, including the above-referenced class allegations.

163. This Claim for Relief is brought on behalf of all members of the Tennessee Age Claim Sub-Class against Defendant Embarq.

164. Pursuant to Tennessee Stat. § 4-21-102(4), the term “employer” includes “persons employing eight (8) or more persons within the state, or any person acting as an agent of an employer, directly or indirectly.” Defendant Embarq is an “employer” under Tennessee law.

165. All direct and indirect, disparate-treatment and disparate-impact forms of age discrimination are violations of Tennessee Stat. §§ 4-21-401(a)(1) and (2). The actions of Defendants violate the prohibitions against intentional age discrimination in Tennessee Stat. § 4-21-401(a)(1), and violate the prohibitions against disparate-impact age discrimination in Tennessee Stat. § 4-21-401(a)(2).

166. Plaintiff Shipley, for herself and all members of the Tennessee Age Claim Sub-Class, has elected a judicial remedy under Tennessee Stat. § 4-21-311(d). The remedies available under Tennessee Stat. § 4-21-311(b) include back pay, injunctive relief, and attorneys’ fees and expenses. Plaintiff Shipley and the members of the Tennessee Age Claim Sub-Class seek reimbursement of the cost of any replacement insurance policies they have obtained, reimbursement for any benefits they were denied or expenses they incurred, reimbursement for any differences in the benefits they obtained, prejudgment interest, an award of attorneys’ fees and the costs and disbursements of this action, and all other relief allowed by law.

167. On this cause of action Plaintiffs seek a jury trial.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs and the members of the Class and Sub-Classes pray that the Court grant the following relief:

1. Declare that the actions of Defendants as set forth herein are in violation of ERISA, and issue a preliminary and permanent injunction reinstating and restoring to Plaintiffs and the members of the Class the subject medical, prescription drug and life insurance benefits and compelling Defendants to provide these benefits to them for the remainder of their lifetimes;

2. Declare that the actions of Defendants as set forth herein are in violation of the ADEA, the Ohio Civil Rights Act, the Oregon Unlawful Discrimination law, and the Tennessee Human Rights Act, and issue a preliminary and permanent injunction reinstating and restoring to Plaintiffs, the Individual Age Discrimination Plaintiffs, and the members of the ADEA Class and the members of the Ohio, Oregon, and Tennessee Age Claim Sub-Classes the subject medical, prescription drug and life insurance benefits and compelling Defendants to provide these benefits to them for the remainder of their lifetimes;

3. Issue an injunction requiring reinstatement of the medical, prescription drug, and life insurance benefits for the members of the Ohio, Oregon, and Tennessee Age Claim Sub-Classes as they existed prior to January 1, 2008, restraining Defendant Embarq from future discrimination against them because of age, order reimbursement of the cost of any replacement insurance policies they obtained, order reimbursement for any benefits they were denied, order reimbursement for any differences in the benefits they obtained, and award of attorneys' fees and the costs and disbursements of this action;

4. Order equitable reformation of the subject Plans described in this lawsuit to reinstate these benefits and provide that these benefits shall not be reduced below the levels

provided to Plaintiffs and the members of the Class as of December 31, 2005;

5. Order an accounting of all profits and savings realized by the fiduciary Defendants and attributable to their misrepresentation of material information about the benefits, or attributable to their elimination of retiree medical, prescription drug, and life insurance benefits or their inducement of Plaintiffs and the members of the Class to retire early, including all such profits and savings relating to salary, compensation, pension benefits, fringe benefits, and all other payroll and overhead costs that were avoided as a result of inducing them to retire early;

6. Order a surcharge on the fiduciary Defendants, and grant restitution and other monetary relief, to make Plaintiffs and the members of the Class whole for all losses caused by the unlawful actions of the fiduciary Defendants, including payment of all medical benefits, prescription drug benefits and subsidies, and life insurance benefits, that have been improperly withheld from Plaintiffs and the members of the Class as of the time of judgment;

7. Declare that Plaintiffs and the members of the Class are vested in the retiree medical and prescription drug benefits provided by Defendants at the time of their retirements, or that these benefits cannot otherwise be reduced or terminated;

8. Declare that Plaintiffs and the members of the Class are vested in the life insurance benefits provided by Defendants at the time of their retirements, or that these benefits cannot otherwise be reduced or terminated;

9. Declare that Plaintiffs and the members of the Class are entitled to receive in the future retiree medical benefits, prescription drug benefits and subsidies, and life insurance benefits, unreduced from those promised to them at the time of their retirements;

10. Provide a jury trial on the ADEA claims and the claims under the Ohio Civil Rights Act, the Oregon Unlawful Discrimination Law, and the Tennessee Human Rights Act;

11. Award to Plaintiffs, the Individual Age Discrimination Plaintiffs, the members of the ADEA Class, and the members of the Ohio, Oregon, and Tennessee Age Claim Sub-Classes monetary damages for age discrimination, and double those damages for willful discrimination;
12. Award reasonable attorneys' fees and expenses/costs under 29 U.S.C. § 1132(g);
13. Award reasonable attorneys' fees, expenses and costs pursuant to 29 U.S.C. § 626(b) and 29 U.S.C. § 216(b) and pursuant to Ohio Revised Code § 4112.02(N), Oregon R.S. § 659A.885(1), and Tennessee Stat. § 4-21-311(b);
14. Award pre-judgment and post-judgment interest; and
15. Grant such other relief as the Court deems equitable and just.

Dated: April 7, 2009

Respectfully submitted,

**THE NYGAARD LAW FIRM**

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Attorneys for Plaintiffs and the Class and Sub-Classes

**FULGHUM, ET AL. v.  
EMBARQ CORP., ET AL.**

**No. 07-CV-2602**

**THIRD AMENDED COMPLAINT -- APPENDIX A**

<b>Last Name</b>	<b>First Name</b>	<b>Birth Year</b>	<b>Date of Hire</b>	<b>Retirement Date</b>	<b>Age at Retirement</b>
Abbott	Faye P.	1947	6/10/1966	3/1/2003	55
Adams	Judith R.	1944	6/27/1965	8/30/1997	52
Ainsley	Lois J.	1936	5/31/1955	5/4/1984	48
Aldridge	Robert D.	1945	2/2/1970	2004	59
Alford	James L.	1938	6/22/1964	10/1/1996	57
Allen	Johnny W.	1937	11/7/1956	2/1/2000	62
Allen	Mary S.	1928	1947	12/1/1985	56
Allgood, Jr.	Thomas G.	1926	1949	1985	59
Allgood	Evelyn A.	1934	Jan-54	Nov-99	65
Ammons	Henry W., Estate of	1933	1957?	1/1/1994	60
Anderson	Anzilia K.	1940	7/27/1970	11/1/1998	58
Anderson	Clara W.L.	1933	1970	2/1/1995	61
Anderson	Mary Ellen Anderson	1938	8/20/1967	3/1/1999	60
Armstrong	Donald E.	1945	7/26/1965	2/2/1998	52
Armstrong	Howard D.	1947	6/13/1966	10/1/2002	55
Armstrong	James E.	1937	8/9/1955	3/1/2001	63
Atkinson	Michael L.	1945	Mar-70	6/29/1997	51
Autry	Charles E.	1942	7/3/1967	7/1/1999	57
Autry	Dwight C.	1939	9/16/1966	3/1/1999	60
Autry	James L.	1931	Feb-54	8/29/1985	54
Autry	Lila H.	1938	Mar-57	3/1/2001	62
Avent	W. J.	1926	1946	Dec-89	63
Avery	Effie H.	1933	10/20/1952	8/31/1985	51
Ayers	Janie B.	1937	2/11/1957	12/10/1993	56
Bailey	George W.	1946	2/3/1969	Mar-03	56
Baker	Johnny Preston	1939	10/1/1963	3/1/2000	60
Baker	Joseph K.	1937	5/19/1959	6/30/2001	64
Baker	Lough Massey	1945	2/12/1964	3/31/2000	54
Baker	Mary Harrell	1937	4/24/1967	2/15/1999	61
Baker	Ophelia H.	1924	Jun-45	Mar-90	65
Baker	Rufus James	1946	8/30/1965	4/17/2003	56
Baker	Shelby M.	1938	6/11/1956	5/1/1994	56
Baker	William A.	1945	6/10/1963	4/1/2001	56
Ball	Clifford E.	1943	10/17/1962	6/1/2006	63
Ball	Naomi M.	1930	1949	1992	62
Barden	Thomas V.	1921	3/10/1941	6/30/1982	61
Barnes	Katie Cook	1929	1948	Dec-91	62
Barnes	Sue H.	1941	9/8/1959	3/31/2003	61
Barnes	Thomas Scott	1940	6/7/1959	Nov-99	59
Barnes	Willie E.	1939	6/17/1957	9/30/1996	57
Basnight	Judith W.	1948	1/10/1971	12/1/2004	56
Bass	Gerald	1937	2/1/1961	Feb-01	63
Bass	Verona W.	1937	8/8/1955	1/1/1992	54
Batchelor	Carolyn J.	1947	Oct-68	7/1/2000	53
Batts	Frances L.	1932	1968	Aug-88	55
Batts	Gerald C.	1953	7/20/1971	Dec-01	48
Batts	Mary P.	1934	4/1/1953	6/1/1986	52
Beach	Madeline B.	1927	1952	12/2/1983	56
Beacham Jr.	Carl	1937	10/14/1959	6/1/2002	65
Beaman	Linda C.	1942	May-78	Sep-98	55
Beamon	Noah Alfred	1938	8/2/1979	3/3/2003	64
Bell	Jenette C.	1945	4/21/1973	5/20/2001	55

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**THIRD AMENDED COMPLAINT -- APPENDIX A**

<b>Last Name</b>	<b>First Name</b>	<b>Birth Year</b>	<b>Date of Hire</b>	<b>Retirement Date</b>	<b>Age at Retirement</b>
Bender, III	V. Allen	1940	11/4/1968	11/4/1998	58
Benson	John O.	1944	12/1/1969	7/1/2000	56
Biggs	Peggy J.	1935	Jul-75	12/29/1992	57
Bill	Ronnie	1944	8/7/1967	Mar-02	58
Blades, III	L.S.	1933	1/1/1959	3/1/1996	63
Blalock	Essie L.	1937	1970	1999	62
Bland	Curtis W.	1946	2/9/1970	6/1/1998	51
Blount	Wynona H.	1931	Mar-60	Jun-90	58
Bobbitt	Mel Steven	1954	7/1/1974	Nov-02	47
Bordeaux	Johnny D.	1940	Jun-67	11/1/2002	61
Boyette	Ann L.	1947	1/11/1981	9/1/2004	57
Boyette	Geraldine E.	1935	1954	12/31/1992	57
Boyette	Jack H.	1928	1/21/1957	7/1/1991	63
Boykin	Mary B.	1942	1962	3/31/2003	60
Bracy	Joyce C.	1937	11/4/1957	12/31/1997	60
Bracy	Marian E.	1928	Jun-51	4/30/1980	51
Braddy	Janice C.	1936	5/31/1954	7/1/1994	57
Braddy	Thelma Robbins	1946	12/7/1964	12/31/2001	55
Braddy, Jr.	Claude	1934	8/24/1953	1/1/1993	58
Bradley	Steven P.	1947	6/11/1965	1990	43
Bradshaw	Jean T.	1931	1961	1986	55
Brady	Edward R.	1939	6/9/1958	4/1/2000	61
Brame	Mary Ann	1937	Sep-58	7/1/1996	58
Bratcher	Charles M.	1942	Sep-63	12/31/2001	59
Bratcher	Josephine S.	1944	1966	2000	56
Brewer	Linda G.	1944	4/12/1965	Sep-99	55
Britt	James Woodie	1918	2/28/1946	6/30/1985	66
Britton	Mary E.	1930	Jun-48	Apr-80	49
Brown	Audrey A.	1942	2/13/1964	3/29/2006	63
Brown	Carol J.	1945	?	9/1/1999	54
Brown	Eddie R.	1949	7/21/1973	4/1/2003	53
Brown	Graham T.	1946	2/15/1965	6/1/2003	57
Brown	Henry W.	1935	6/27/1988	1/9/1999	63
Brown	Janice	1937	5/22/1978	4/1/1992	55
Brown	William P.	1941	2/13/1967	?	
Brunson	Gordon D.	1932	11/21/1960	12/31/1993	61
Bucknam	Marie W.	1931	1/31/1974	8/1/1993	62
Bullock	Betsy G.	1943	8/23/1971	12/31/2001	58
Bullock	Geneva E.	1937	12/18/1967	12/18/1994	57
Bullock	Mattie J.	1936	7/6/1954	11/1/1999	63
Bunch	Patricia W.	1940	Sep-58	Mar-98	57
Bunch	Tony A.	1945	12/16/1968	7/1/2001	55
Burchette	Carol S.	1945	Jun-66	2/25/2002	57
Burgess	John Lee	1939	6/4/1959	8/1/1989	50
Burnette	James F.	1936	1/9/1956	6/1/2000	64
Burns	Ethel A.	1933	Jun-68	May-95	61
Burriss, Jr.	Clayton O.	1947	Apr-73	2002 Dec	55
Butler	Diamond H.	1941	3/5/1980	4/19/2004	63
Butler	Dorothy G.	1936	3/12/1956	4/30/1999	62
Butler	Franklin D.	1937	7/16/1956	12/31/1998	61
Byrd	Robert C.	1938	2/4/1968	6/1/1998	59
Cagle	Ruth M.	1926	Nov-59	1990	64

**FULGHUM, ET AL. v.  
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**THIRD AMENDED COMPLAINT -- APPENDIX A**

<b>Last Name</b>	<b>First Name</b>	<b>Birth Year</b>	<b>Date of Hire</b>	<b>Retirement Date</b>	<b>Age at Retirement</b>
Campbell	Bertha S.	1936	4/1/1956	Aug-97	61
Canady	Shirley G.	1944	11/10/1966	Jul-97	52
Carawan	Kerry W.	1938	1959	1997	59
Carlisle	Daniel H.	1941	5/10/1976	2/1/2006	64
Carnes	Stanton R.	1944	9/15/1964	12/1/1994	50
Carpenter	Estate of Milton R.	1932	Jun-50	Jun-96	63
Carr	Betty M.	1938	7/17/1957	Feb-97	58
Carraway	Dolores P.	1943	3/13/1967	12/1/2002	59
Carroll	Linda K.	1947	Feb-69	Aug-03	55
Carta	Lucille H.	1925	Mar-47	9/1/1985	59
Carter	Carl Ray	1929	10/18/1949	7/1/1991	62
Carter	Melvin S.	1938	1/29/1963	7/1/2000	62
Carter, Jr.	Bernard John	1945	2/7/1966	Mar-01	55
Carver	Lois Ann	1933	11/1/1951	4/1/1994	61
Cashwell	Bobby B.	1931	9/4/1956	12/1/1993	62
Causway	Glenn M.	1944	1964	12/31/2001	57
Cherry	John W.	1945	12/9/1964	Dec-96	51
Chesson	Betty W.	1936	Apr-61	Jun-00	64
Chesson	Linda W.	1943	3/1/1965	11/30/1999	56
Childers	Eileen L.	1930	11/1/1949	7/1/1985	54
Chipps	Ann P.	1939	4/6/1970	11/1/2002	63
Clark	Daisy A.	1928	1946	10/25/1985	57
Clark	Donald E.	1937	3/4/1957	9/1/1994	57
Clark	Donald R.	1926	11/6/1950	8/31/1976	50
Clegg	Robert L.	1936	May-60	Nov-93	57
Cleland	Shirley W.	1937	Apr-64	Apr-99	61
Cobb, Jr.	Cullen	1930	7/17/1950	10/12/1990	60
Coble	Earl G.	1944	Jun-66	4/1/2007	62
Cofield	Josie D.	1943	1977	1996	53
Coggins	Annie M.	1933	7/1/1952	Nov-93	59
Coker	Colleen H.	1937	3/14/1960	3/31/2000	62
Coker	Naomi M.	1953	1/11/1971	2/16/2001	47
Coley	Alvin L.	1940	Dec-77	4/1/2006	65
Coley	Linda C.	1942	1/4/1979	Jun-01	58
Collins	Raymond A.	1936	10/24/1955	11/1/1997	61
Collins	Victoria C.	1940	3/11/1959	7/1/2002	62
Connor	Joyce L.	1941	1959	Aug-94	53
Cook	Nancy D.	1940	6/11/1960	1995	55
Cooley	Carl T.	1929	9/1/1953	1/1/1994	64
Cooley	William H.	1947	8/4/1969	10/17/1999	52
Cooper	Ann G.	1945	1/17/1966?	1/1/2002	56
Cooper	Callie L.	1918	1938	6/30/1980	62
Cooper	Charles W.	1948	1/23/1967	Nov-99	51
Corey	Edward G.	1947	Jun-69	3/1/2003	55
Council	James H.	1938	12/5/1960	11/1/1999	61
Cox	Dolly E.	1940	4/9/1960	7/1/1999	58
Cratch	Walter L.	1950	12/22/1969	app. 2000	50
Craver	John W.	1944	7/3/1967	3/1/2006	61
Creel	Henry E.	1940	10/1/1960	9/1/1993	52
Crocker, Jr.	Arvey O.	1945	2/14/1964	10/25/2002	57
Croom	Shelby A.	1948	5/5/1969	8/1/1997	49
Crumpler	Marshall W.	1935	12/1/1955	1/1/1994	58



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**THIRD AMENDED COMPLAINT -- APPENDIX A**

<b>Last Name</b>	<b>First Name</b>	<b>Birth Year</b>	<b>Date of Hire</b>	<b>Retirement Date</b>	<b>Age at Retirement</b>
Crumpler	Melvin D.	1939	12/8/1960	3/1/1999	59
Curtis	Nancy R.	1939	12/1/1961	10/1/2005	66
Cutler	Harold B.	1936	10/31/1955	6/1/1998	61
Cutler	Jack E.	1930	Mar-55	Jun-91	60
Dail	Vernon R.	1938	10/8/1956	10/29/1993	55
Daniel	Ada F.	1941	2-1960?	Mar-02	60
Daniel	W. Dorsey	1940	?	6/1/1999	58
Daniels	Terry F.	1945	11/1/1968	12/31/1997	52
Daughtridge	Ulyss Glenn	1935	6/24/1957	3/1/1996	60
Davenport	Belva J.	1931	Mar-51	1985	54
Davenport	Shelby F.	1936	11/9/1960	3/1/1998	61
Davidson	Billy E.	1938	7/3/1965	app. 2001	63
Davis	Helen I.	1935	May-54	Apr-98	62
Davis	Hinton Carlton	1933	Mar-56	1/1/1996	62
Davis	Lesly B	1932	Jan-56	3/30/1995	62
Davis	Robert I.	1940	3/14/1966	11/1/1999	59
Davis	Selma W.	1930	11/19/1956	12/28/1992	62
Davis	Vivian W.	1940	2/2/1960	4/1/2003	63
Dawson	Jack D.	1927	2/8/1947	5/1/1985	58
Deal	Betty W.	1942	12/12/1980	12/31/1998	56
Deal	Walter F.	1942	6/12/1972	4/1/2003	60
Dempster	Janis S.	1940	11/14/1962	12/14/2000	60
Dennie	Betty Jean	1938	12/17/1956	Jul-92	53
Dennie	Bobby C.	1935	Nov-67	4/1/1992	56
Denny	Marcelene D.	1934	Sep-55	2/28/1989	54
Denton	Richard H.	1935	8/17/1957	12/31/1999	64
DeVane	Grace J.	1932	1950	Jul-94	61
Dickens	Edward M.	1937	Apr-61	Jun-99	62
Dildy	Margaret S.	1931	6/11/1953	9/1/1994	63
Dorman	Charles T.	1934	Jul-57	Jan-94	59
Dorman	Paul D.	1940	Jul-62	1/1/1994	53
Dorman	Willie J.	1938	May-59	3/1/1994	56
Doughtie	Gordon H.	1944	5/15/1967	12/31/1998	54
Doughtie	Lena W.	1944	2/8/1968	12/31/1998	54
Douglas	Martha M.	1945	11/29/1966	5/18/2006	60
Downing	Isabel	1929	Mar-55	Oct-85	56
Dozier	Eugene F.	1923	Feb-46	Feb-88	64
Duckett, Jr.	William P.	1945	10/4/1971	12/31/1997	52
Duke	George F.	1927	7/22/1946	10/1/1989	62
Duke	Julia J.	1942	May-60	3/30/2003	61
Dunn	Bobby E.	1933	Dec-56	Jul-96	62
Dunn	Lois W.	1935	5/31/1963	2/1/1998	62
Duvall	Robert W.	1939	9/26/1960	7/5/2000	61
Eastwood	Dolly O.	1932	7/27/1953	12/31/1987	55
Edgerton	Billy Y.	1937	3/16/1957	3/31/1996	58
Edmondson	Bobby Ray	1937	9/1/1955	1/1/1994	56
Edwards	Amy T.	1937	7/21/1971	11/1/1999	62
Edwards	Finley C.	1935	3/17/1957	1/1/1994	58
Edwards	W. Thomas	1947	3/28/1966	3/28/1996	48
Eldridge	Mary	1937	4/1/1956	11/1/1999	61
Elks	Mildred T.	1935	1955	10/1/1992	56
Ellington	Eva Kaye G.	1947	4/18/1966	11/1/1999	52

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Ellis	Christine K.	1935	Feb-54	Aug-90	55
Ellis	Larry T	1937	Aug-55	6/5/1988	50
Ellis	Louis E.	1937	12/19/1977	4/1/2000	62
Ellis	Lucille B.	1942	Jun-60	Feb-97	54
Ellis	Michael L.	1948	9/21/1966	2002	54
Elmore	William E.	1944	12/18/1969	11/1/1999	54
Elmore-Stancill	Betty	1936	4/5/1955	Oct-93	57
Etheridge, Jr.	Selby A.	1924	11/7/1947	10/30/1984	60
Evans	Carolyn R.	1932	Jun-50	11/1/1993	61
Evans	Kermit M	1926	Oct-55	8/30/1985	58
Evans	Tony W.	1950	10/2/1972	2/4/2003	52
Evans	Vonita H.	1940	10/30/1960	3/1/1995	54
Ezzell	Jeannette M.	1936	5/23/1954	9/1/1998	62
Ezzell	Jenell B.	1939	Aug-59	7/1/1999	60
Ezzelle	John D	1931	Aug-54	Jan-94	62
Faircloth	Mavis E.	1927	3/8/1971	?	
Farrell	Olivia B.	1943	Feb-62	1/1/1997	53
Ferrell	Michael E.	1943	Aug-66	4/1/2003	59
Fields	Preston L.	1935	1/13/1960	3/1/1992	56
Fisher	Charles W.	1933	Apr-65	3/4/1994	60
Fisher	Leslie B.	1937	Jan-65	Nov-99	62
Fisher	Ruth F.	1932	1971	1989	57
Fleming	Janie G.	1934	8/4/1952	10/1/1989	55
Fling	Donna S.	1935	8/23/1960	3/1/1999	63
Flint	Dianne K.	1947	11/5/1979	2/1/2004	57
Floyd	Bertha S.	1937	12/1/1969	3/1/1999	61
Flythe	Linda L.	1945	2/8/1978	4/1/2002	56
Forbes	Clarence G.	1937	7/31/1968	3/1/1995	57
Forbes	Marilyn B	1955	8/5/1973	Apr-02	47
Foster	Martha S.	1949	10/9/1967	12/1/1997	48
Franks	Barbara	1937	Jun-55	7/1/1999	62
Frazier	William R.	1938	3/7/1960	Oct-02	64
Freeman	Judy S.	1946	? 10-5-72	4/1/2000	53
Fulghum	William Douglas	1938	6/18/1956	9/1/1996	58
Futrell	I. Gerald	1939	8/5/1963	5/1/1999	59
Games	William H.	1940	10/1/1959	12/31/2001	61
Gardner	Elizabeth H.	1934	1972	7/17/1996	62
Garrett	Linda A.	1947	Jul-65	Jun-00	53
Garrett	Robert L.	1947	11/9/1970	6/30/1999	52
Garris	Margie A.	1938	3/3/1959	4/1/1995	57
Gaskill	Deidrick H.	1924	12/29/1953	3/31/1990	66
Gaskins	Donald P.	1942	1/25/1972	7/1/1999	57
Gaskins	Linda H.	1947	2/8/1966	7/1/1999	51
Gay	Herbert L.	1931	3/24/1954	10/22/1993	62
Gay	Willie R.	1933	2/26/1956	1/1/1994	60
Gilbert	William A.	1926	11/4/1946	5/1/1989	63
Godwin	Willie E.	1936	7/5/1960	9/1/2003	67
Gore	Jerry S.	1944	6/10/1963	9/1/2000	55
Grady	Lillie B.	1939	May-57	Aug-99	60
Granger	Priscilla T.	1941	2/29/1960	12/31/2001	60
Grantham	Jane T.	1945	May-63	12/31/2001	56
Gray	Hilda B.	1924	Sep-42	1/1/1985	60

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Griffin	Grover L.	1933	Nov-57	12/31/1998	65
Grissom	Alton C.	1954	2/3/1973	12/4/2003	49
Guirkins	Rosalyn S.	1920	1942	1986	66
Gurganus	Charlie J.	1933	1/21/1957	3/1/1996	62
Gurkins	Van A.	1951	12/2/1971	1/1/2002	50
Hairr	Brenda B.	1948	7/18/1969	3/8/1999	50
Hairr	Junie Mack	1947	7/26/1965	3/1/1997	50
Hall	John O.	1938	9/12/1960	9/1/1996	57
Hamilton	Jimmy C.	1944	8/20/1964	5/1/2000	55
Hamm	Betty F.	1933	Jul-52	5/1/1988	54
Hancock	Joel F.	1943	8/26/1963	4/1/2003	60
Haney	James E.	1951	8/10/1970	11/1/2002	51
Hanford	Robert Alton	1933	10/1/1956	9/1/1995	61
Hardee	Frances H.	1940	Aug-60	9/1/1999	58
Hardee	Linda P.	1951	3/1/1970	10/1/2001	50
Harrell	Kenneth R.	1936	Jul-56	Nov-93	57
Harrell	Linda H.	1941	Jun-59	Jan-98	56
Harrell	Loretta F.	1932	1951	1994	62
Harrell	Melvin R.	1936	10-1963?	app. 1-1996	59
Harrington	John	1938	10/15/1956	5/1/2000	62
Harris	Alice W.	1950	1969	Feb-03	52
Harris	Donnie P.	1942	6/2/1969	3/31/2003	60
Harris	Doris C.	1937	1973	1993	56
Harris	Elizabeth R.	1935	10/14/1956	Oct-94	59
Harris, Sr.	Jimmy L.	1946	6/15/1965	11/22/1999	53
Harrison	Barbara J.	1946	2/1/1965	9/1/2003	57
Harrison	Norma H.	1928	10/18/1947	10/18/1984	56
Havens	Jonathan F.	1943	12/28/1967	1/1/1994	50
Heath	Shelby B.	1937	3/12/1956	6/1/1998	61
Hemby	David R.	1947	7/25/1971	4/1/2003	55
Henderson	Shirley G.	1938	1958	3/1/2007	68
Herman, Jr.	Bennie	1932	2/18/1957	11/30/1993	61
Herrin	Hoytte Douglas	1949	Jun-72	12/31/2001	52
Herring	Wilton L.	1935	May-55	Jun-87	52
Hewitt	Lindsey W.	1932	Feb-59	Aug-89	57
Hinson	Charles D.	1932	Apr-54	9/30/1993	60
Hinton	Ruby M.	1937	5/30/1972	4/25/1997	59
Hobgood	Bobby R.	1937	2/6/1961	3/1/2001	63
Holden	Lindbergh	1928	3/10/1956	9/1/1990	62
Holland	Christine M	1920	8/17/1942	8/16/1985	64
Holland	Eugene R.	1927	Feb-45	10/31/1983	55
Holland	Julia H.	1931	2/18/1957	1/1/1994	62
Hollingsworth	John Douglas	1944	6/22/1964	12/31/2001	57
Hollis	Nancy L.	1935	4/19/1955	10/3/1985	50
Holloman	Jane F.	1937	2-2-7-1956	3/1/1987	49
Holloman	Murrell T.	1922	11/17/1944	12/1/1985	63
Holt	Roger L.	1934	6/22/1959	7/31/1990	55
Hooker	Rebecca F.	1946	Jun-65	Sep-97	51
Hopkins	Rosby R.	1925	9/1/1946	Dec-83	58
Hopkins	William H.	1930	1/11/1953	3/1/1995	65
Hopkins	Willie C.	1932	Jun-49	May-86	54
Horchler	Dennis	1946	Apr-73	11/1/2002	56

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<b>Last Name</b>	<b>First Name</b>	<b>Birth Year</b>	<b>Date of Hire</b>	<b>Retirement Date</b>	<b>Age at Retirement</b>
Horne	Jeannette Faye	1941	Jun-61	Jun-96	54
Horton	Carolyn M.	1938	Aug-57	Dec-88	49
Hough	Clarence S.	1935	8/20/1956	8/1/1997	62
House	Annette A.	1940	1/19/1972	12/31/1998	58
Houston	Chester B.	1934	6/9/1952	9/1/1994	60
Houston	Stacy J.	1938	Jul-57	9/30/1996	57
Houtz	Heywood B.	1936	1958	11/30/1993	57
Howard	Maryland Y.	1935	5/19/1953	8/30/1985	50
Howell	Marvin	1930	Mar-50	Mar-85	55
Howse	Katherine H.	1925	1942	1983	58
Hudson	Dorothy E.	1940	4/13/1961	11/1/1994	54
Humienny, Sr.	S.J.	1926	Jan-47	10/31/1983	57
Ikner	James S.	1928	5/5/1955	12/1/1993	65
Ipock	Estella	1946	1965	Jun-00	54
Ipock	George L.	1946	Jul-65	11/24/2004	58
Irvin	Lewis R.	1923	7/10/1950	4/25/1985	61
Isles	Charles E.	1933	9/7/1955	12/31/1991	58
Jackson	Patricia D.	1951	Jun-69	3/1/2002	50
Jackson	Paul A.	1939	10/17/1960	6/1/1997	58
Jackson	Raymond L.	1940	3/15/1965	10/1/1995	55
Jackson	William Franklin	1944	8/10/1964	4/1/2000	55
James	Johnnie E.	1942	7/5/1960	9/1/1999	57
Jefferson	Joyce S.	1946	Jun-64	Mar-00	54
Jefferson	William W.	1941	6/10/1963	2/1/2003	62
Jenkins	Donald S.	1938	5/1/1967	3/1/1999	60
Johnson	James Kenneth	1935	6/17/1957	2/1/1998	62
Johnson	John Charles	1938	7/5/1960	9/1/1999	60
Johnson	Lillie M.	1940	Feb-65	Mar-03	62
Johnson	Marcus W.	1925	Apr-46	Feb-89	63
Johnson	Ralph A.	1936	9/8/1959	4/1/2006	70
Jolly	Bobby D.	1932	5/20/1954	2/1/1995	62
Jones	Alice R.	1935	6/21/1972	?	
Jones	Aubrey D.	1945	3/20/1966	11/1/1999	54
Jones	John C.	1949	5/19/1969	7/1/1999	50
Jones	Leona A.	1935	Jul-54	8/30/1985	50
Jones	Peter H.	1949	6/3/1968	7/1/1998	48
Jones	Shirley L.	1937	Apr-57	1/1/1991	53
Jones	Willie J.	1936	1957	1989	53
Josey	Norma C.	1941	Nov-59	3/31/2003	61
Joyner	Calvin Bruce	1938	6/25/1956	3/1/1994	56
Joyner	Dolly J.	1941	1/10/1961	11/1/1999	58
Joyner	Doris L.	1941	1/21/1969	5/1/1998	56
Joyner	Dorothy B.	1936	6/7/1954	9/1/1997	61
Joyner	Wilbur Glenn	1945	10/26/1964	5/8/2007	62
Justice	Nancy R.	1927	Jan-70	May-89	62
Kearney	Charles J.	1933	Mar-57	3/1/1995	61
Keen	Martha H.	1934	1/20/1970	1/20/1997	62
Kelchner	W.E. (Bill)	1938	9/25/1960	10/31/1993	55
Kennedy	Donald G.	1944	Aug-68	May-00	56
Kennedy	Walter L.	1937	1/9/1961	1/1/1994	56
Killebrew	J. J.	1936	9/19/1955	1/1/1994	57
King	Eleanor S.	1925	5/5/1970	1986	61

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<b>Last Name</b>	<b>First Name</b>	<b>Birth Year</b>	<b>Date of Hire</b>	<b>Retirement Date</b>	<b>Age at Retirement</b>
King	Irma E.	1930	6/1/1948	Nov-96	66
King	Thelma V.	1947	11/3/1971	7/1/1997	50
King	William (Mac) B.	1940	7/13/1959	9/1/1997	57
Kirkwood	Bruce R.	1936	9/17/1962	?	
Kirkwood	Lorraine E.	1942	6/12/1972	6/30/1999	56
Knott	Wesley G.	1950	2/23/1970	7/31/2001	51
Knowles	Charles Ray	1932	Jun-51	11/1/1993	71
Kricko	Miriam S.	1933	11/5/1979	8/1/1994	61
Lafferty	Thelma W.	1933	?	1997	64
Lamm	Bobby L.	1936	Dec-57	Feb-99	62
Lamm	Martha C.	1938	? 9/27/1978	app. 9/27/1997	58
Lamm	William E.	1934	?	?	
Lane	Dennis R.	1952	8/30/1971	8/30/2001	49
Langley	Ernestine C.	1948	7/24/1972	3/1/2005	56
Langley	James D.	1938	8/1/1956	12/31/2001	63
Lanier	Voilet H.	1940	12/7/1974	7/1/2000	60
Larrimore	William A.	1931	Jul-52	3/1/1989	57
Latham	Frances W.	1936	5/13/1955	7/1/1999	62
Lee	Kenneth	1934	6/30/1955	12/30/1994	60
Lee	Milton E.	1950	11/23/1972	11/30/1998	47
Lee	Patricia B.	1941	5/9/1960	9/1/1997	56
Lefevers	Roslyn A.	1934	1971	12/1/1994	60
Leggett	Billy M.	1935	11/11/1957	7/1/1999	63
Leggett	Sherrie B.	1951	1/12/1972	5/1/2002	51
Letchworth	Patricia C.	1940	Dec-59	Nov-01	61
Lewis	Betty D.	1940	5/6/1960	12/31/2001	61
Lewis	Brenda B.	1939	May-60	Feb-97	57
Lewis	Leo N.	1931	8/14/1931	Dec-93	61
Lewis	Sandra B.	1944	8/14/1967	9/1/2000	56
Lewis	Sybil Rowe	1936	1/3/1970	6/30/1996	59
Lewis	Sylvia B.	1936	9/10/1977	10/31/1996	60
Lilley	Polly C.	1938	3/26/1979	2/1/2004	65
Lilley	Shelby M.	1937	10/8/1956	6/2/1989	51
Lindsey	Norma Midyette	1952	6/24/1974	Oct-01	48
Little	Geraldine	1932	Mar-71	Apr-93	60
Littleton	B.G.	1934	10/15/1952	12/1/1993	59
Littleton	Thomas E.	1941	9/15/1959	10/1/1999	58
Lockamy	Gerald T.	1946	2/28/1968	5/1/1997	50
Long	Alice D.	1939	1958	Nov-90	51
Long	Betty B.	1942	11/8/1960	5/1/1992	50
Long	Clara M.	1940	3/10/1960	Apr-99	58
Long	Elsie O.	1932	?	?	
Lovick	Rachel G.	1938	Mar-88	May-98	59
Lucas	Faye M.	1942	Jul-60	1/1/1995	52
Lucas	Terry T.	1951	10/23/1973	1/1/2005	53
Mahan	Joyce C.	1933	1971	1996	63
Maier	George P.	1931	Jun-54	12/1/1993	62
Mallard	Donald H.	1940	Nov-62	Mar-97	56
Mallard	Randall G.	1935	6/10/1957	1/1/1993	57
Malpass	Shirley B.	1949	9/30/1968	2/1/2002	52
Manning	Mamie R.	1941	2/3/1960	2/16/2001	60
Mantas	Lucy O.	1941	Aug-59	Jul-99	58

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Marshburn	Joyce A.	1945	4/28/1968	3/1/1996	50
Martin	Joe E.	1931	11/22/1954	5/23/1993	61
Mason	Clarence L.	1945	Sep-69	4/1/2003	57
Massey	Helen C.	1929	1954	8/31/1990	61
Matthews	Rose D.	1938	4-8--57	3/14/1986	47
Matthews	Ruth H.	1924	1976	May-87	62
May	John T.	1934	Oct-56	12/1/1993	58
May	Kenneth S.	1938	9/10/1956	11/1/1993	55
Maynard	Mary H.	1921	9/1/1951	6/30/1983	62
Mayo	James P.	1923	Jul-48	Mar-83	60
McAdams	Mickey R.	1928	Jun-60	12/31/1997	69
McBride	Naomi B.	1934	3/26/1956	1/1/1998	63
McCarter	Roy E.	1931	?	12/27/1993	62
McCarter	William Troy	1936	Feb-76	1/1/1997	60
McCaskill	David L.	1938	2/11/1957	12/1/1993	55
McClure	Mae Vonne	1932	Aug-51	1/1/1994	61
McCorquodale	Alice R.	1941	5/10/1965	12/1/2003	62
McCullough	Clifford C.	1943	Feb-67	Aug-96	52
McCullough	Donna H.	1942	Sep-60	3/31/2003	61
McGlohon	Roderick A.	1936	5/8/1972	4/30/1998	61
McLamb	Daniel B.	1939	Jan-62	May-89	50
McLamb	Nellie O.	1947	8/2/1965	12/16/1994	47
McLaurin	Eunice Stephens	1934	?	8/13/1987	53
McLaurin	Laudie Colon	1933	Nov-53	12/31/1988	55
McLawhorn	Hilda A.	1941	Jan-61	12/1/1993	52
McLawhorn	Weldon E.	1933	9/11/1951	Mar-88	55
McLeod, Jr.	Neal C.	1932	10/10/1955	1/1/1994	61
McManus	Rachel C.	1939	Jul-57	8/28/1993	54
Medlin	Rodney M.	1948	9/12/1972	3/1/2000	51
Meeks	Linda L.	1942	Aug-68	Dec-03	61
Meeks	Margaret Ann	1930	9/2/1950	5/31/1981	50
Meeks	William Ann	1926	Jan-48	7/3/1986	59
Mercer	Ennis W.	1934	8/9/1955	Dec-93	59
Metts	Carlton V.	1945	7/31/1967	8/1/2000	55
Miller	James Truitt	1942	Feb-65	Mar-95	52
Miller	Jeanette Y	1933	1951	1996	63
Miller	Leon Gene	1932	6/13/1955	6/30/1985	52
Miller	Mary M	1936	8/2/1954	7/1/1999	62
Mills	Darling David	1939	9/9/1957	Mar-99	60
Minton	Virginia R .	1934	8/31/1953	8/31/1983	48
Mitchell	Ethel D.	1930	Feb-51	7/1/1984	53
Moore	Dorothy R.	1941	3/12/1962	4/1/2002	60
Moore	George Jr.	1930	5/23/1953	7/1/1989	59
Moore	James H.	1937	Aug-65	app. 2000	63
Moore	Jane T.	1929	4/26/1948	1980	51
Moore	Jesse C.	1935	10/11/1956	11/12/1993	58
Moore	John Thomas	1941	4/18/1963	11/1/1999	58
Moore	Lemuel K.	1938		2000	62
Moore	Marland G.	1936	10/11/1955	10/11/1985	49
Mooring	Barbara P.	1944	Oct-63	12/31/2002	58
Morris	William C.	1928	Nov-55	3/31/1986	57
Morrow	Evelyn F.	1946	Mar-65	5/1/1998	52

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Morrow	Patricia B.	1939	Sep-58	11/1/1999	60
Moseley	Nancy J.	1935	5/16/1956	5/1/2000	65
Moseley	Norman Carlton	1932	12/8/1958	12/31/1997	65
Mosley	Gloria P.	1942	1960	Apr-94	52
Mozingo	Ernest	1931	11/30/1953	7/1/1994	63
Nanney	Emma Frances	1924	1936	1980	56
Narron	Mary D.	1924	1945	11/1/1983	59
Neal	Charlie G.	1931	Oct-50	11/1/1993	62
Neal	Claude T.	1945	9/21/1967	11/1/1999	54
Neal	Dianne S.	1942	Nov-61	3/13/1998	55
Nelms	Eleanor	1938	Feb-62	9/1/1999	61
Nelms	Lonnie R.	1942	Mar-66	7/23/2002	59
Nelson	Peggy S.	1937	1957?, 58	2000	63
Newberry	June W.	1952	7/11/1977	4/1/1999	46
Nicholson	Evelyn W.	1927	11/3/1947	10/18/1984	57
Nicholson	Janie P.	1939	5/14/1962	6/1/1998	58
Nixon	Hazel M	1930	?	4/1/1986	55
Norman	Ramona S.	1933	7/5/1951	1/1/1994	60
Norville	Kay W.	1947	Mar-71	Jan-02	54
Norville, Sr.	Robert L.	1945	6/3/1963	Oct-94	49
Nunnery	Gregory	1941	12/26/1967	3/1/2004	62
Odom	Joseph W.	1946	7/5/1968	12/31/1999	53
O'Geary	Grace	1930	8/1/1949	4/1/1988	57
Oliver	Braxton S.	1917	Jun-37	3/1/1981	63
Oliver	Herbert W.	1918	Apr-41	9/30/1983	65
Oliver	Thomas M.	1943	1/7/1963	11/1/2002	59
O'Neal	Jacqueline L.	1932	Oct-59	10/4/1992	60
Outlaw	Michael D.	1938	1/15/1961	12/30/1998	60
Overby	Barbara B.	1936	1980	Aug-98	61
Overby	Charles G.	1935	Jul-56	11/30/1993	58
Overby	Evelyn C.	1940	10/15/1958	9/1/1999	59
Overton	John Wayne	1947	7/1/1974	4/1/2003	55
Owens	Joyce Y.	1931	1951	Oct-02	70
Pace	George C.	1928	12/11/1954	12/30/1986	58
Pace	Joyce E.	1930	6/28/1948	9/1/1988	58
Packard	Jimmy L.	1936	2/3/1956	12/28/1990	54
Page	Charles E.	1935	11/1/1953	11/1/1993	58
Page	Lynwood V.	1933	Oct-51	Jun-85	52
Parker	Albert B.	1934	Jul-56	1/1/1994	59
Parker	Allen R.	1938	3/12/1962	3/31/1997	58
Parrish	Bobby F.	1942	7/18/1966	3/1/1993	50
Patterson	Doris J.	1942	2/7/1961	Mar-98	56
Peaden	Willis R.	1935	5/6/1957	6/30/1990	55
Pearsall	Jewell H.	1934	Jul-52	Jan-83	48
Pearsall, Sr.	Luther D.	1923	11/26/1945	11/1/1983	60
Peedin	Ethel J.	1930	2/27/1950	Feb-86	55
Peele	Lucille	1941	Apr-61	7/1/1999	58
Pepper	David B.	1944	10/23/1973	2000	56
Perritt	Theodore B.	1924	4/7/1947	9/1/1983	58
Perry	Linda P.	1935	7/6/1953	2/21/1992	56
Perry	Robert L.	1930	2/13/1950	3/25/1994	64
Phelps	Albert Ray	1933	8/1/1955	10/31/1993	60

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Phillips	Violet W.	1932	Jan-74	Nov-93	60
Phykitt	Faye E.	1940	Jun-58	8/1/2000	59
Pilgreen	Brenda S.	1946	1967	Jun-99	52
Pitt	Alice R.	1945	9/6/1967	12/31/2001	55
Pittman	Charles G.	1941	7/7/1965	12/31/1997	56
Pittman	Curtis C.	1927	9/1/1950	11/1/1983	56
Pollock	Kenneth N.	1930	4/30/1956	10/1/1985	54
Pope	Harold D.	1930	6/13/1955	Jun-89	58
Pope	Margie L.	1933	2/11/1952	1997	64
Pope	Marshall B.	1934	1/18/1954	11/15/1993	59
Pope	Mary B.	1924	Feb-44	6/24/1978	54
Powell	Iris E.	1935	Jan-56	1986	51
Powell	Larry	1937	3/19/1956	1/1/1994	56
Powers	Catherine R.	1935	?	May-97	61
Powers	Joyce P.	1932	Nov-51	Mar-93	61
Price	Bobby F.	1943	11/30/1964	3/1/1999	56
Price	Joseph Earl	1934	9/14/1953	4/1/1999	64
Price	Retha A.	1939	10/24/1957	3/5/1995	55
Pridgen	Shelby F.	1938	2/6/1960	Feb-99	60
Proctor	Grace N.	1935	3/28/1955	6/1/1999	63
Purvis	Sidney H.	1937	1957	app.1998	61
Rackley	Barbara B.	1942	7/10/1960	12/1/1999	57
Rackley	Francis Dalton	1934	Nov-69	1/1/1994	59
Rackley	Gene D.	1936	7/9/1962	Oct-97	61
Raines	Margie T.	1932	4/28/1952	10/15/1985	52
Raper	Effie L.	1938	4/1/1957	1/1/1994	55
Raynor	Rebecca R.	1942	Mar-64	Jul-05	62
Register	Sally C.	1946	9/19/1967	8/29/1997	50
Respass	Shirley P.	1930	May-73	Oct-88	58
Reveal	Bessie M.	1933	? 1-11-54	8/1/1986	53
Richardson	W.S.	1920	1948	Sep-85	64
Ridgeway	Janie S.	1931	Jun-68	4/1/1994	63
Roach	Albert F.	1925	9/7/1944	12/31/1987	62
Robeson	Elinor S.	1930	1952	Sep-79	48
Robeson, Jr.	Johnathan L.	1934	3/6/1967	7/22/1994	60
Rogers	Betty G.	1940	3/9/1959	12/29/1989	49
Rogers	Margie S.	1930	6/16/1948	9/1/1991	61
Rogers	Maxine R.	1930	4/28/1964	11/1/1986	56
Roller	Mary D.	1922	4/13/1954	8/31/1985	63
Romanus	Rosemary V.	1933	Mar-70	Feb-97	63
Ross	W.H.	1928	Jul-52	Jan-92	64
Roundtree	Naomi M.	1951	9/21/1970	1/1/2001	49
Rouse	William A.	1937	7/20/1959	11/30/1993	56
Rowe	Linda Ann	1933	9/4/1953	2/1/1989	55
Ruffin	Betty E.	1938	1/11/1961	5/1/1991	52
Ruffin	Clifton E.	1934	9/28/1953	1/1/1994	59
Ruffin	Johnnie Mack	1933	3/20/1952	3/1/1995	62
Ruffin-Collier	Ethel V.	1943	5/1/1972	2/1/2002	58
Rutledge	Dudley J.	1936	7/17/1972	12/28/1998	62
Saleeby	Hilda G.	1936	2/3/1959	9/1/1997	60
Sandlin	Marilyn L.	1941	Jul-61	Jan-96	54
Satterfield	Frederick L.	1946	4/17/1967	11/1/1999	53



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Satterwhite	Judy D.	1956	7/1/1974	12/21/2007	51
Savage	Melody G.	1945	3/15/1967	5/1/2003	57
Scott	Benjamin F.	1933	4/26/1957	2/24/1995	62
Scott	J. P.	1926	Jan-47	Oct-85	59
Seadore	Vicki Jean	1952	7/10/1972	12/1/2006	54
Sessoms, Sr.	George T.	1929	7/1/1947	1/2/1993	63
Sexton	Rita T.	1945	2/3/1964	3/1/1997	51
Shaw	Virgil B.	1944	6/3/1963	Aug-99	55
Shipp	Gaynelle S	1941	2/8/1960	7/1/1997	55
Shivar	Vickie A.	1951	8/27/1972	10/31/2005	54
Sibbett	Douglas E.	1942	Feb-66	6/1/1999	56
Simmons	Betty Gayle	1944	4/27/1964	4/1/2003	58
Simmons	Maureen L.	1950	10/7/1968	3/30/2003	52
Simmons	Milford L.	1931	9/6/1956	7/1/1993	62
Simmons, Jr.	Bryant	1926	3/3/1959	3/6/1992	65
Simoneau	Arthur D.	1957	Dec-88	Oct-04	46
Simpkins	Leon H.	1944	Jul-66	11/1/2001	57
Simpson	Willard G.	1939	12/1/1958	9/1/1992	53
Smith	Barbara S.	1944	8/31/1962	11/1/1996	52
Smith	Betty G.	1940	1/26/1959	3/1/1989	48
Smith	Franklin D.	1940	10/28/1963	11/1/1999	59
Smith	Linda Faye	1942	5/14/1962	Nov-96	54
Smith	Wilton A.	1938	Jan-57	6/30/1999	61
Snead	Martha J.	1935	?	11/1/1999	63
Snead	Talmadge R,	1935	?	1997	62
Snead	Zelia S.	1922	7/1/1946	11/1/1985	63
Sondergard	Ronald D.	1940	9/3/1968	8/22/2002	62
Spann	Rachel O.	1936	Aug-55	2/1/1992	55
Sparks	Frank J.	1934	4/27/1959	1994	60
Speight	George R.	1945	10/12/1965	10/28/1999	54
Speight	James A.	1943	2/15/1963	10/29/1999	55
Spruill	James A.	1940	Sep-59	9/1/2003	62
Stainback	Doris A.	1931	11/11/1957	1/1/1993	61
Stallings	Gerald T.	1936	1/15/1952	May-00	64
Stallings	John Harold	1927	7/16/1951	10/27/1983	56
Stallings	Margaret A.	1939	8/5/1971	10/31/2002	63
Stallings	William W.	1939	8/2/1965	Jan-95	55
Stancil	Raymeta B.	1929	9/19/1949	3/3/1992	63
Stanley	Carlene	1937	Jan-56	10/12/1984	47
Stanley	James E.	1931	5/24/1954	6/30/1986	55
Steele	Donald G.	1938	12/30/1974	12/31/2001	63
Stell	Blanche R.	1920	1952	7/1/1983	63
Stephens, Jr.	Charles W.	1940	Jan-63	app. 2001	61
Stewart	Floyd W.	1928	2/3/1945	7/1/1990	61
Stewart	Peggy A.	1939	3/17/1959	2/1/2002	62
Stilley	Levy C.	1944	Aug-63	Sep-86	42
Stocks	James A.	1942	3/15/1965	3/20/2000	58
Stone, Sr.	Stanley M.	1935	Aug-67	Mar-92	56
Stox	Hazel	1927	1953	Oct-85	57
Strickland	Clayton Thomas	1940	11/15/1959	Mar-94	53
Strickland	Grady C.	1944	11/6/1966	8/30/1999	54
Strickland	Linda P.	1942	8/23/1960	11/1/1999	57

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Strickland	Owen W.	1931	9/14/1955	12/1/1993	62
Strickland	Patricia L.	1937	4/4/1960	5/14/1992	54
Strum	Raymond O.	1939	10/23/1967	1/31/2002	62
Suggs	Bobby G.	1936	1/9/1956	3/1/1996	59
Summerlin	Dianne M.	1950	4/14/1970	3/31/2003	52
Sumner	Ellizabeth V.	1940	Mar-70	6/1/1995	54
Sumner	Mattie Bass	1933	?	?	
Sutton	Billy V.	1933	Aug-73	Mar-94	61
Swinson	Cecil E.	1945	Apr-70	5/1/1996	50
Swinson	Rebecca R.	1950	Aug-68	3/1/2001	50
Sykes	Kenneth H.	1932	1/28/1952	11/1/1993	61
Tarleton	Kenneth F.	1940	11/1/1969	3/31/1998	58
Tart	Grady	1933	4/30/1956	9/1/1993	60
Tatum, Jr.	Emmett L.	1928	Feb-49	7/6/1990	61
Taylor	Carol J.	1935	12/23/1954	10/13/1997	62
Taylor	Curtis V.	1934	6/24/1957	10/31/1993	59
Taylor	Edmond R.	1926	1950	1993	67
Teal, Sr.	Jennings B.	1921	May-48	3/31/1985	63
Terry	Hubert D.	1929	10/29/1951	1/1/1992	62
Tew	Virginia	1935	1961	1995	60
Tharrington	Mary L.	1947	Sep-69	2001	54
Thomas	Donald L.	1945	10/2/1960	6/1/2005	59
Thomas	Garland V.	1939	1962	2000	61
Thompson	Carlton G.	1930	9/1/1955	12/31/1993	63
Thompson	Ella W.	1937	Apr-55	10/1/1993	56
Thompson	Gene R.	1938	4/13/1970	Jan-03	64
Thompson	Pearl N.	1943	4/27/1964	11/1/1999	56
Thompson	Roy H.	1931	Jan-50	1/1/1994	62
Thornell	Elizabeth J	1928	5/31/1946	6/30/1986	58
Thursby	Melody J.	1943	Aug-72	4/13/1998	55
Tolston	Clennis T.	1946	10/20/1969	11/29/1999	53
Tolston	Henry T.	1934	10/11/1955	4/7/1999	64
Trevathan	Annie Robinson	1938	Feb-58	2/26/1999	60
Tripp	Daphne B.	1937	5/16/1959	11/1/1996	59
Tucker	Geraldine H.	1925	1943?	11/1/1983	58
Turnage	Shelby Jean	1937	8/10/1961	4/26/1997	59
Turner	Jesse L.	1944	6/3/1963	1/2/2000	55
Tyndall	Robert C.	1935	Apr-65	1/1/1998	62
Umphlet	Henry H.	1940	12/19/1960	6/1/2001	60
Varnell	Jean	1939	6/1957?	2001	62
Vaughan	JoAnn A.	1937	6/16/1959	5/1/1988	50
Vick	Ronald	1942	8/1/1966	4/1/2003	60
Vick	Susie P.	1927	1947	Jun-83	55
Vick	Verchie A.	1927	10/29/1947	10/29/1983	56
Waddell, Jr.	Alfred M.	1926	3/22/1948	3/31/1989	62
Wagner	Carolyn R.	1949	1/4/1968	12/28/2001	52
Wagner	Mary Frances	1936	11/19/1956	Aug-97	61
Wainwright	Shirley B.	1948	7/26/1976	7/24/2000	52
Walden	Jean M.	1936	1970	11/30/1998	62
Walker	Angela	1934	1957	12/5/1986	52
Walker	Rosa A.	1942	Aug-60	12/31/1990	48
Wall	Charles W.	1927	4/1/1955	7/1/1990	62

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Wallace	Charles G.	1937	1962	12/31/1992	55
Wallace	Joyce F.	1936	1958	Mar-96	59
Wallace	Randy W.	1950	11/11/1969	8/1/2002	52
Walston	Edith A.	1935	2/10/1969	11/30/1993	58
Walters	Lorene P.	1941	9/21/1961	4/1/2003	61
Walters, Jr.	George M.	1950	10/28/1968	4/1/2003	52
Ward	Janice C.	1934	Apr-54	1/1/1994	59
Ward	John T.	1944	8/6/1962	2/25/1999	54
Ward	Myrtle W,	1932	8/14/1951	10/31/1994	62
Wardsworth	Hassell Ray	1947	6/8/1974	Nov-99	52
Warren	Rebecca B.	1942	8/30/1960	11/1/2000	58
Waters	Martha R.	1943	6/11/1962	12/1/1993	50
Waters	Ruby J.	1934	?	?	
Watson	Frances H.	1933	? 1954	10/31/1983	50
Weatherington	Richard B	1949	10/9/1967	3/1/2002	52
Webb	Battle Brooks	1934	6/1/1955	Jul-89	55
Webb	Earldean T.	1931	1951	Nov-93	62
Webb	Ellie H.	1935	8/30/1955	1/1/1994	58
Webb	Evelyn G.	1925	1945	11/1/1983	58
Weeks	Joseph W.	1934	10/19/1953	10/31/1993	59
Wethington	Margaret	1935	1970	1993	58
Wheeler	Walter Thomas	1937	1956	1992	55
White	Henry M.	1943	10/28/1962	12/31/2001	58
White	Kenneth L.	1949	8/26/1968	11/1/1999	50
White	Mary M.	1927	1950	12/2/1983	56
White	Treacy Turner	1943	4/30/1962	5/28/2002	59
White	Trudy J.	1943	May-65	1/1/1989	45
White	Vivian M.	1936	?	6/27/1997	60
White	Walter C.	1936	12/27/1955	3/1/1999	62
Whitehurst	George F.	1937	7/13/1955	12/1/1993	56
Whitehurst	Louise M.	1931	1952	Jul-93	62
Whitehurst	Nancy B.	1939	12/29/1974	2/1/1997	57
Whitford, Sr.	Ellis Reid	1948	4/22/1968	3/1/2005	56
Wilder	Billy S	1929	9/4/1951	1/1/1994	64
Wilder	Bonner	1941	1960	1998	57
Wilkins, Jr.	Gordon Earl	1949	1/27/1969	3/31/2003	53
Wilkinson	Ann W.	1931	Sep-71	?	
Willaford	Bradley	1947	3/9/1970	11/1/1999	52
Williams	Carl B.	1932	Feb-53	9/1/1989	57
Williams	Connie L.	1945	Jun-63	4/3/1998	53
Williams	George E.	1945	Nov-66	6/1/1995	50
Williams	Hazel C.	1937	Jul-55	1990	53
Williams	Herscal P.	1918	Aug-61	Feb-83	65
Williams	Julia V.	1938	Feb-69	3/1/2001	62
Williams	Mary C.	1922	Aug-48	10/31/1984	62
Williams	Roger Bert	1939	10/12/1964	Sep-02	63
Williams	Roy K	1944	2/14/1966	7/18/1995	50
Williamson	Margie E.	1948	4/13/1970	6/1/2000	52
Williamson	Mollie L.	1925	Jul-41	4/19/1980	55
Williamson	T.P.	1926	Aug-50	3/31/1985	58
Williford	Alice L.	1943	6/1/1962 ?	6/1/1997	54
Williford	Jerry D.	1948	3/17/1970	3/31/1998	50

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Williford	Ralph L.	1934	4/9/1956	6/1/1994	60
Wilson	Jean	1945	6/1/1964	11/1/1999	54
Wilson, Jr.	Howard C.	1948	Jul-73	Nov-03	55
Winborne	Ann D.	1928	1947	11/1/1985	57
Winstead	Derwood L.	1931	11--28-1955	5/30/1994	62
Winstead	Frances M.	1932	1952	Sep-93	61
Winstead	Marion Branch	1943	7/30/1962	8/1/2007	64
Winstead	Sonya L.	1937	Jan-80	7/1/1999	62
Winstead, Sr.	Grady H.	1935	3/11/1957	3/1/1998	62
Wood	William Boyd	1941	6/30/1959	Oct-99	58
Woodard	Billy G.	1934	8/1/1955	12/1/1993	59
Woodard	Thomas H.	1939	2/21/1961	7/1/1999	59
Woodlief	John E.	1934	11/5/1973	4/30/1999	64
Woodruff	Alice B.	1928	Dec-69	12/30/1991	63
Woodward	Steven G.	1949	2/9/1970	Jan-99	49
Woolard	Darrell	1945	7/5/1974	3/31/2001	56
Woolard	Vernell H.	1938	1964	Jun-00	61
Woolsey	David F.	1936	9/10/1962	4/1/1999	62
Wooten	Earl D.	1925	4/1/1950	12/31/1989	64
Worrell	John T.	1935	9/14/1953	10/31/1993	58
Worrell, Jr.	Lynwood R.	1930	4/30/1951	9/8/1992	62
Wynne	Annie T.	1929	4/7/1952	12/1/1984	54
Wynne	Janet N.	1938	6/25/1956	10/12/1985	47
Wynne	Lydia B.	1933	1/6/1953	10/30/1993	60
York	Guy E.	1936	7/22/1963	3/31/1993	56
Young	David M.	1949	2/22/1968	8/21/2002	53
Young	Ernest H.	1933	12/10/1956	10/1/1993	60
Jones	Kathy Beach	1950	10/26/1968	9/1/2000	50