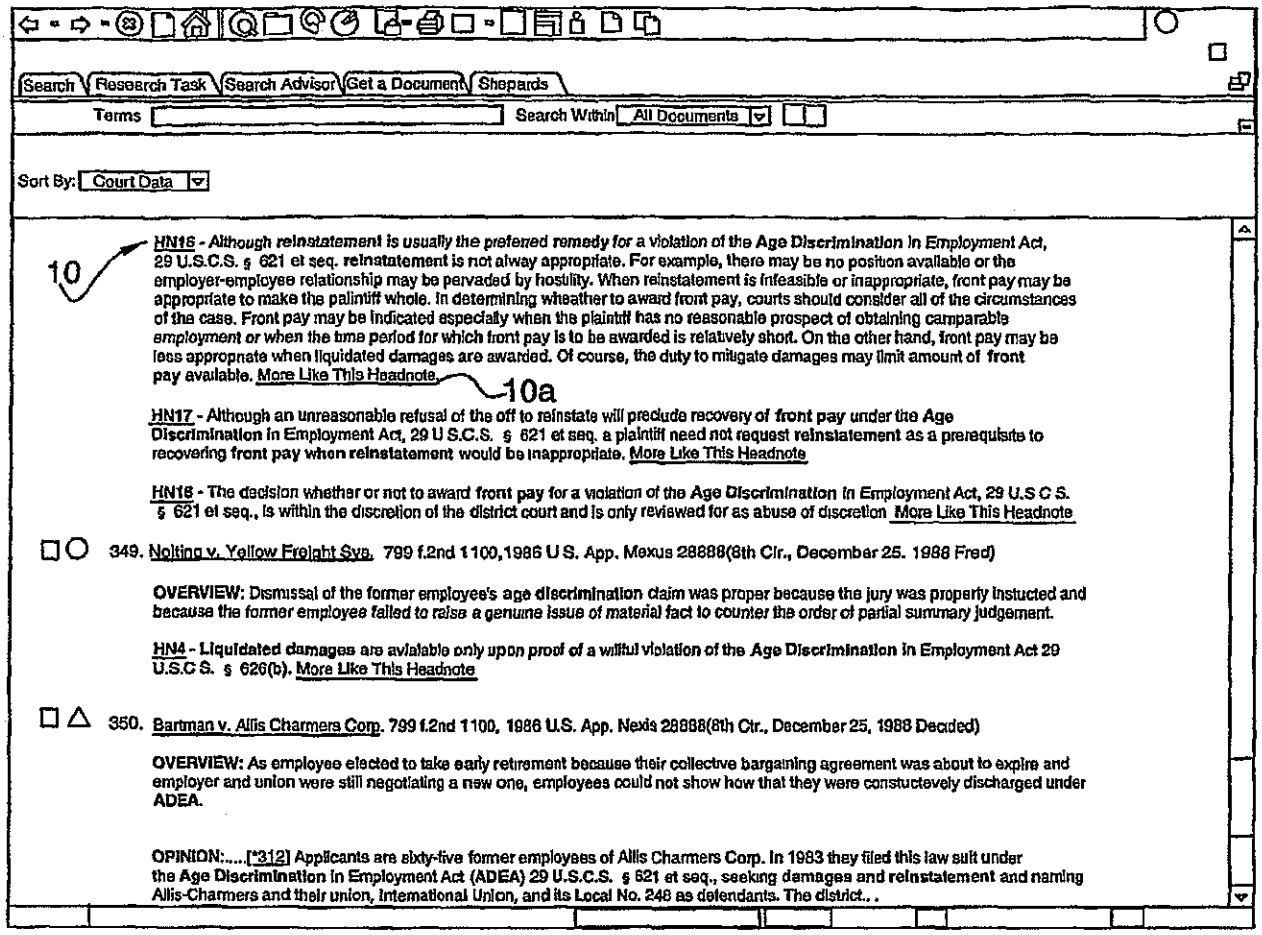

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HN16 - Although reinstatement is usually the prefered remedy for a violation of the Age Discrimination in Employment Act, 29 U.S.C.S. § 621 et seq. reinstatement is not alway appropriate. For example, there may be no position available or the employer-employee relationship may be pervaded by hostility. When reinstatement is infeasible or inappropriate, front pay may be appropriate to make the palintiff whole. In determining wheather to award front pay, courts should consider all of the circumstances of the case. Front pay may be indicated especially when the plaintiff has no reasonable prospect of obtaining camparable employment or when the time period for which front pay is to be awarded is relatively short. On the other hand, front pay may be less appropriate when liquidated damages are awarded. Of course, the duty to mitigate damages may limit amount of front pay available. More Like This Headnote
10a
HN17 - Although an unreasonable refusal of the off to reinstate will preclude recovery of front pay under the Age Discrimination in Employment Act, 29 U.S.C.S. § 621 et seq. a plaintiff need not request reinstatement as a prerequisite to recovering front pay when reinstatement would be inappropriate. More Like This Headnote
HN18 - The decision whether or not to award front pay for a violation of the Age Discrimination in Employment Act, 29 U.S.C.S. § 621 et seq., is within the discretion of the district court and is only reviewed for as abuse of discretion More Like This Headnote
349. Nolting v. Yellow Freight Sys. 799 f.2nd 1100,1986 U.S. App. Mexus 28888(8th Cir., December 25. 1986 Fred)
OVERVIEW: Dismissal of the former employee's age discrimination claim was proper because the jury was properly instucted and because the former employee failed to raise a genuine issue of material fact to counter the order of partial summary judgement.
HN4 - Liquidated damages are avialable only upon proof of a willful violation of the Age Discrimination in Employment Act 29 U.S.C.S. § 626(b). More Like This Headnote
350. Bartman v. Allis Charmers Corp. 799 f.2nd 1100, 1986 U.S. App. Nexis 28888(8th Cir., December 25, 1986 Decided)
OVERVIEW: As employee elected to take early retirement because their collective bargaining agreement was about to expire and employer and union were still negotiating a new one, employees could not show how that they were constuctevely discharged under ADEA.
OPINION:....[*312] Applicants are sixty-five former employees of Allis Charmers Corp. In 1983 they filed this law suit under the Age Discrimination in Employment Act (ADEA) 29 U.S.C.S. § 621 et seq., seeking damages and reinstatement and naming Allis-Charmers and their union, International Union, and its Local No. 248 as defendants. The district...

FIG. 1

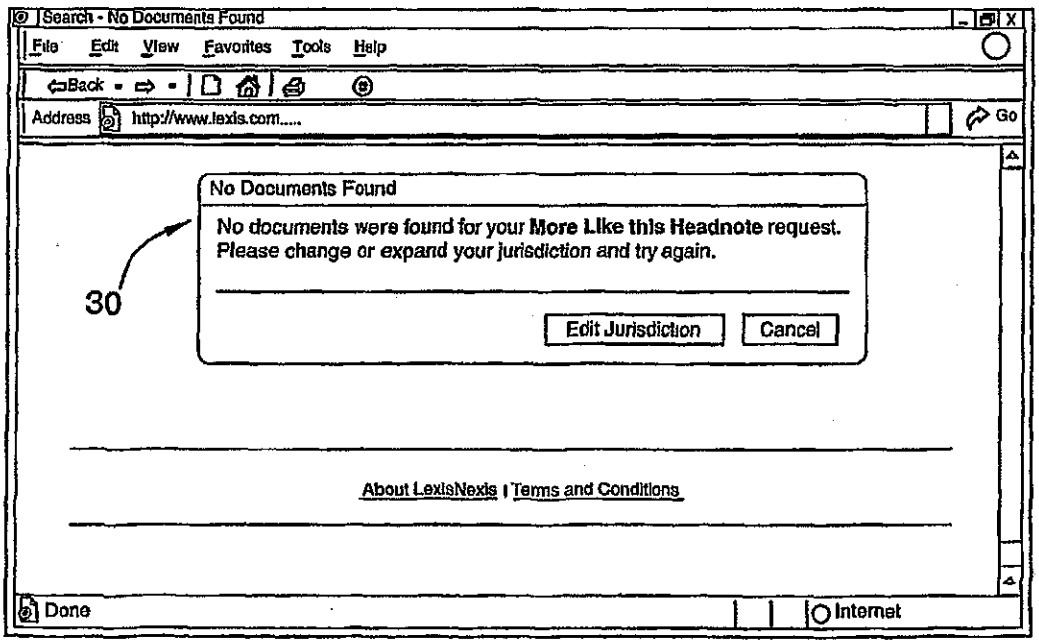
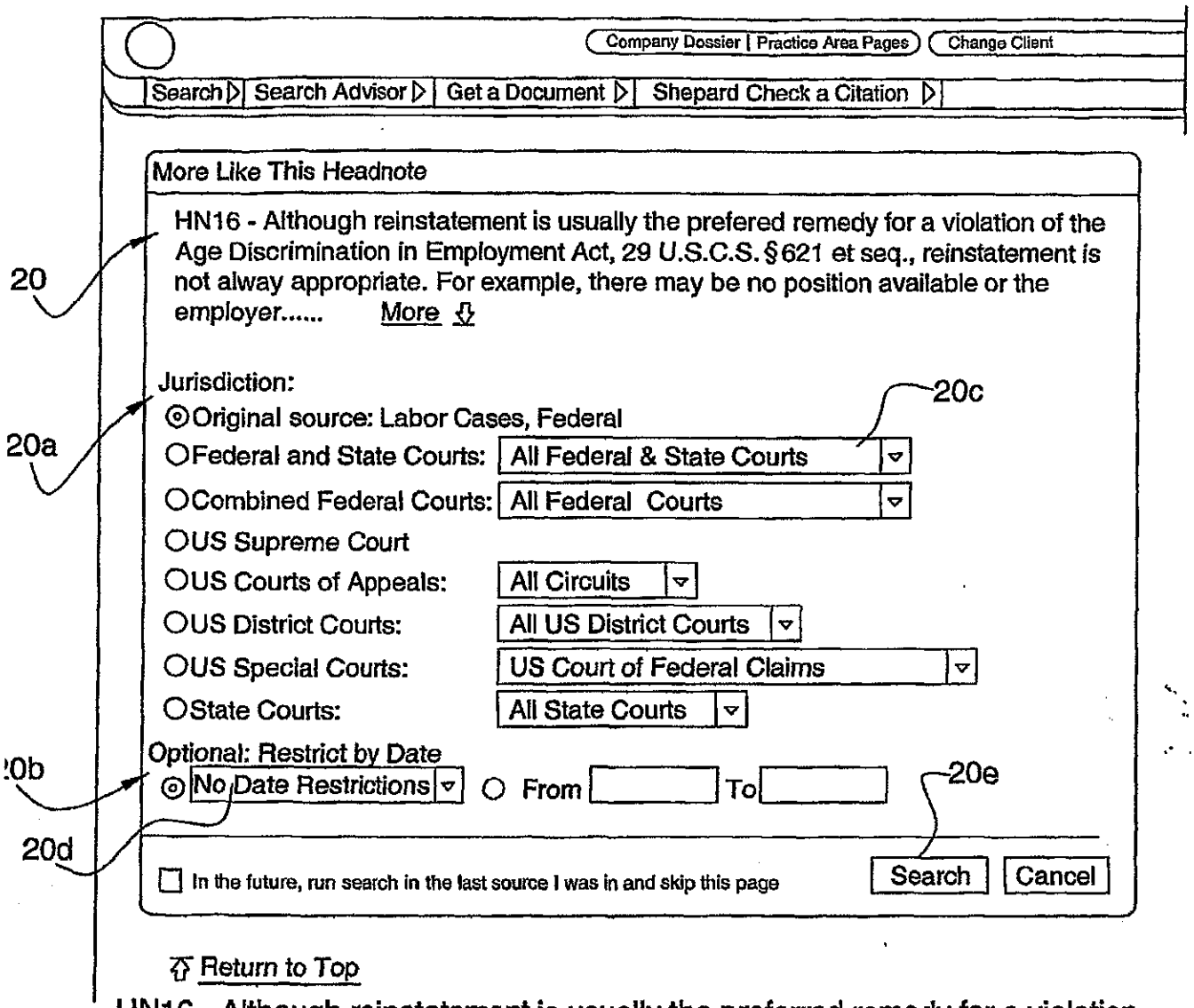

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FIG. 3



HN16 - Although reinstatement is usually the preferred remedy for a violation of the Age Discrimination in Employment Act, § 29 U.S.C.S. 621 et seq. reinstatement is not always appropriate. For example. there may be no position available or the employer-employee relationship may be pervaded by hostility. When reinstatement is infeasible or inappropriate, front pay may be appropriate to make the plaintiff whole. In determining whether to award front pay, courts should consider all of the circumstances of the case. Front pay may be indicated especially when the plaintiff has no reasonable prospect of obtaining comparable employment or when the time period for which front pay is to be awarded is relatively short. On the other hand, front pay may be less appropriate when liquidated damages are awarded. Of course, the duty to mitigate damages may limit the amount of the front pay available.

FIG. 2

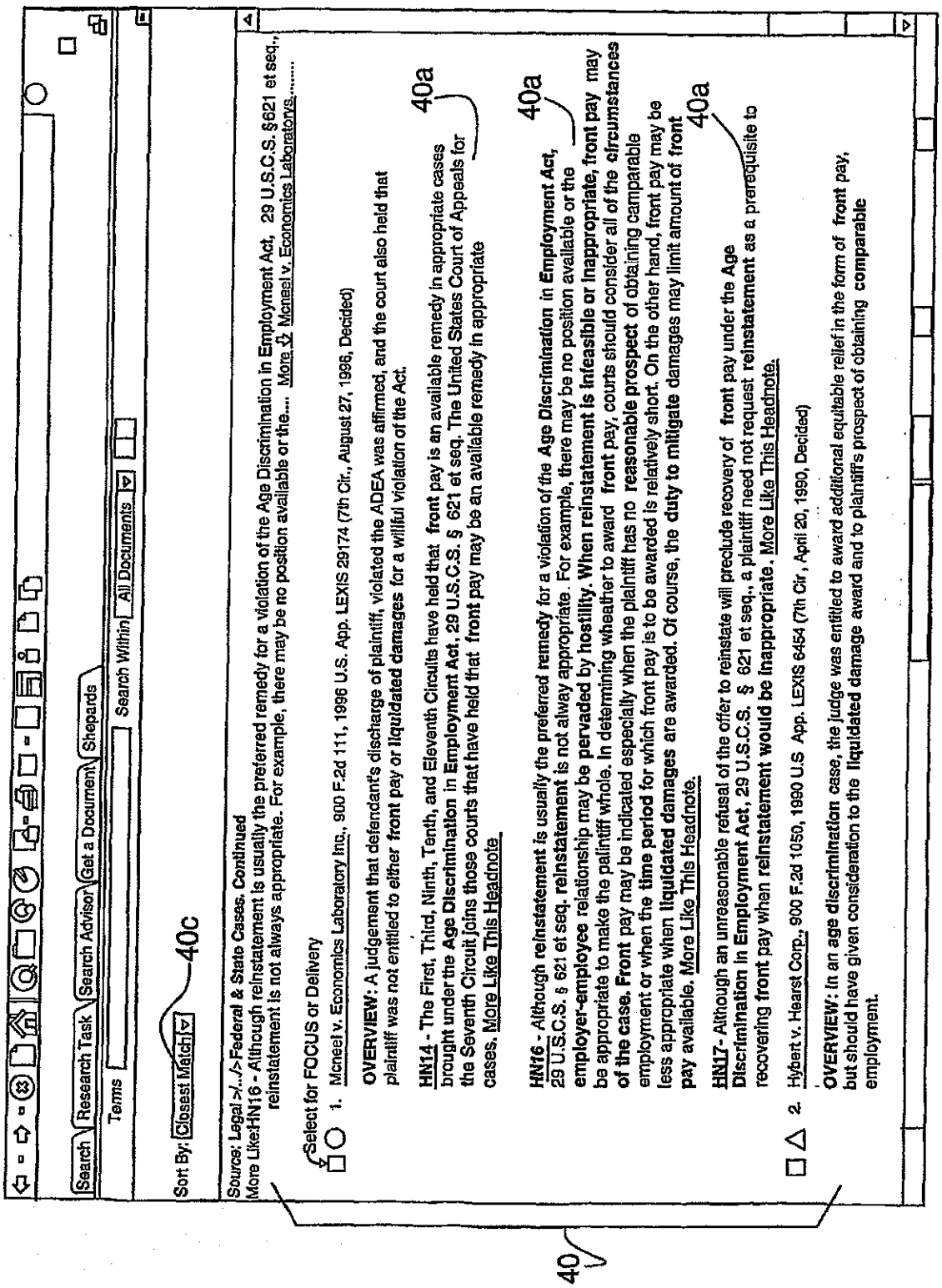

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Mcneel v. Economics Laboratorys.....
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1. Mcneel v. Economics Laboratory Inc., 900 F.2d 111, 1996 U.S. App. LEXIS 29174 (7th Cir., August 27, 1996, Decided)
OVERVIEW: A judgement that defendant's discharge of plaintiff, violated the ADEA was affirmed, and the court also held that plaintiff was not entitled to either front pay or liquidated damages for a willful violation of the Act.
HN14 - The First, Third, Ninth, Tenth, and Eleventh Circuits have held that front pay is an available remedy in appropriate cases brought under the Age Discrimination in Employment Act, 29 U.S.C.S. § 621 et seq. The United States Court of Appeals for the Seventh Circuit joins those courts that have held that front pay may be an available remedy in appropriate cases. More Like This Headnote
40a
HN16 - Although reinstatement is usually the preferred remedy for a violation of the Age Discrimination in Employment Act, 29 U.S.C.S. § 621 et seq. reinstatement is not always appropriate. For example, there may be no position available or the employer-employee relationship may be pervaded by hostility. When reinstatement is infeasible or inappropriate, front pay may be appropriate to make the palintiff whole. In determining wheather to award front pay, courts should consider all of the circumstances of the case. Front pay may be indicated especially when the plaintiff has no reasonable prospect of obtaining camparable employment or when the time period for which front pay is to be awarded is relatively short. On the other hand, front pay may be less appropriate when liquidated damages are awarded. Of course, the duty to mitigate damages may limit amount of front pay available. More Like This Headnote.
40a
HN17 - Although an unreasonable refusal of the offer to reinstate will preclude recovery of front pay under the Age Discrimination in Employment Act, 29 U.S.C.S. § 621 et seq., a plaintiff need not request reinstatement as a prerequisite to recovering front pay when reinstatement would be inappropriate. More Like This Headnote.
40a
2. Hybert v. Hearst Corp., 900 F.2d 1050, 1990 U.S App. LEXIS 6454 (7th Cir., April 20, 1990, Decided)
OVERVIEW: In an age discrimination case, the judge was entitled to award additional equitable relief in the form of front pay, but should have given consideration to the liquidated damage award and to plaintiff's prospect of obtaining comparable employment.
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FIG. 4A

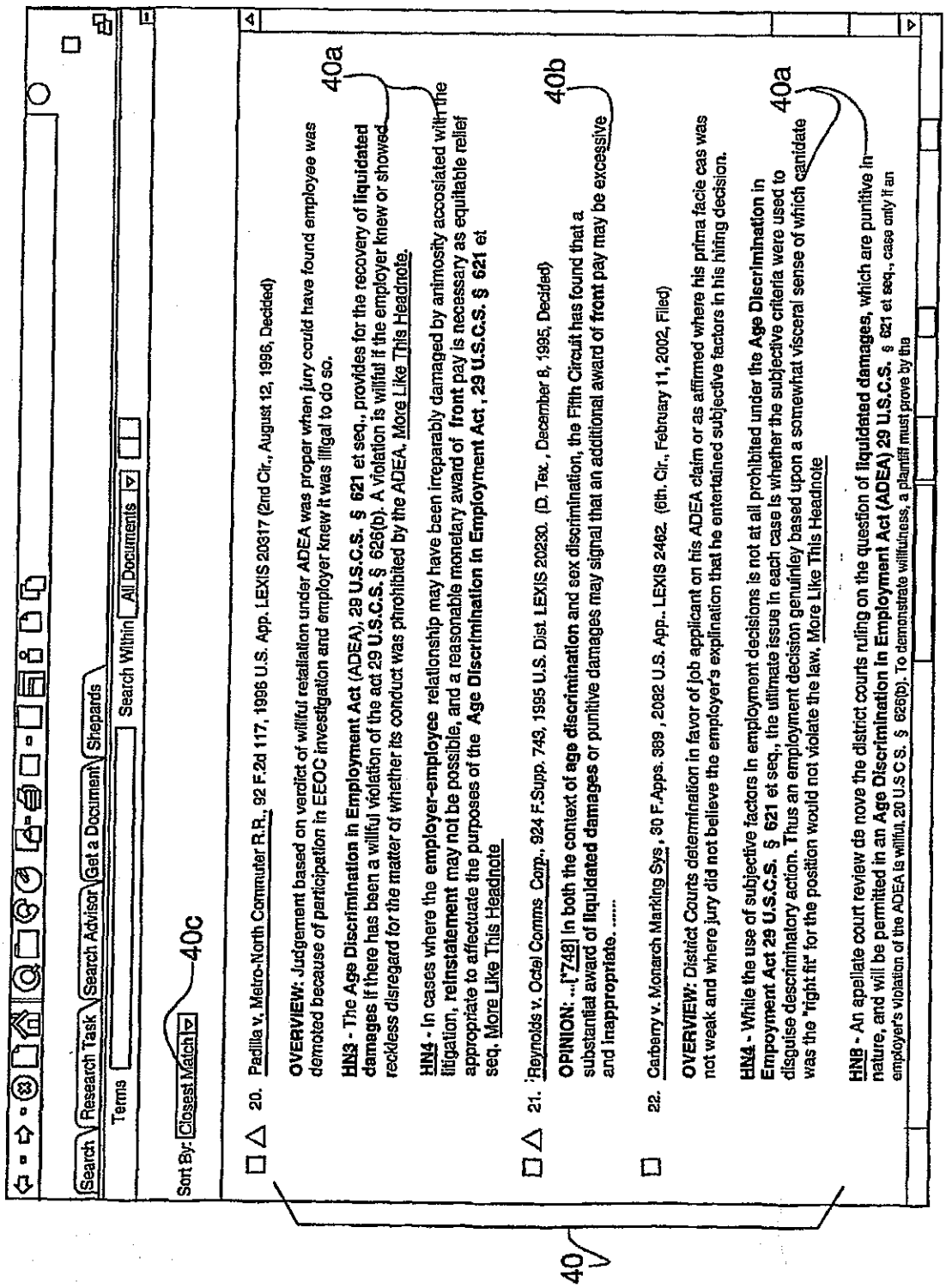

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20. Padilla v. Metro-North Commuter R.R., 92 F.2d 117, 1996 U.S. App. LEXIS 20317 (2nd Cir., August 12, 1996, Decided)
OVERVIEW: Judgement based on verdict of willful retaliation under ADEA was proper when jury could have found employee was demoted because of participation in EEOC investigation and employer knew it was illigal to do so.
HN3 - The Age Discrimination in Employment Act (ADEA), 29 U.S.C.S. § 621 et seq., provides for the recovery of liquidated damages if there has been a willful violation of the act 29 U.S.C.S. § 626(b). A violation is willful if the employer knew or showed reckless disregard for the matter of whether its conduct was phrohibited by the ADEA. More Like This Headnote.
40a
HN4 - In cases where the employer-employee relationship may have been irreparably damaged by animosity accosiated with the litigation, reinstatement may not be possible, and a reasonable monetary award of front pay is necessary as equitable relief appropriate to affectuate the purposes of the Age Discrimination in Employment Act , 29 U.S.C.S. § 621 et seq. More Like This Headnote
21. Reynolds v. Octel Comms. Corp., 924 F.Supp. 749, 1995 U.S. Dist. LEXIS 20230. (D. Tex., December 8, 1995, Decided)
OPINION: ...[*748] In both the context of age discrimination and sex discrimination, the Fifth Circuit has found that a substantial award of liquidated damages or punitive damages may signal that an additional award of front pay may be excessive and inappropriate. .....
40b
22. Carberry v. Monarch Marking Sys., 30 F.Apps. 389 , 2002 U.S. App.. LEXIS 2462. (6th. Cir., February 11, 2002, Filed)
OVERVIEW: District Courts determination in favor of job applicant on his ADEA claim or as affirmed where his prima facie cas was not weak and where jury did not believe the employer's explination that he entertained subjective factors in his hiring decision.
HN4 - While the use of subjective factors in employment decisions is not at all prohibited under the Age Discrimination in Empoyment Act 29 U.S.C.S. § 621 et seq., the ultimate issue in each case is whether the subjective criteria were used to disguise descriminatory action. Thus an employment decision genuinley based upon a somewhat visceral sense of which canidate was the "right fit" for the position would not violate the law. More Like This Headnote
40a
HN8 - An apellate court review de nove the district courts ruling on the question of liquidated damages, which are punitive in nature, and will be permitted in an Age Discrimination in Employment Act (ADEA) 29 U.S.C.S. § 621 et seq., case only if an employer's violation of the ADEA is willful, 20 U.S.C.S. § 626(b). To demonstrate willfulness, a plaintiff must prove by the
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FIG. 4B

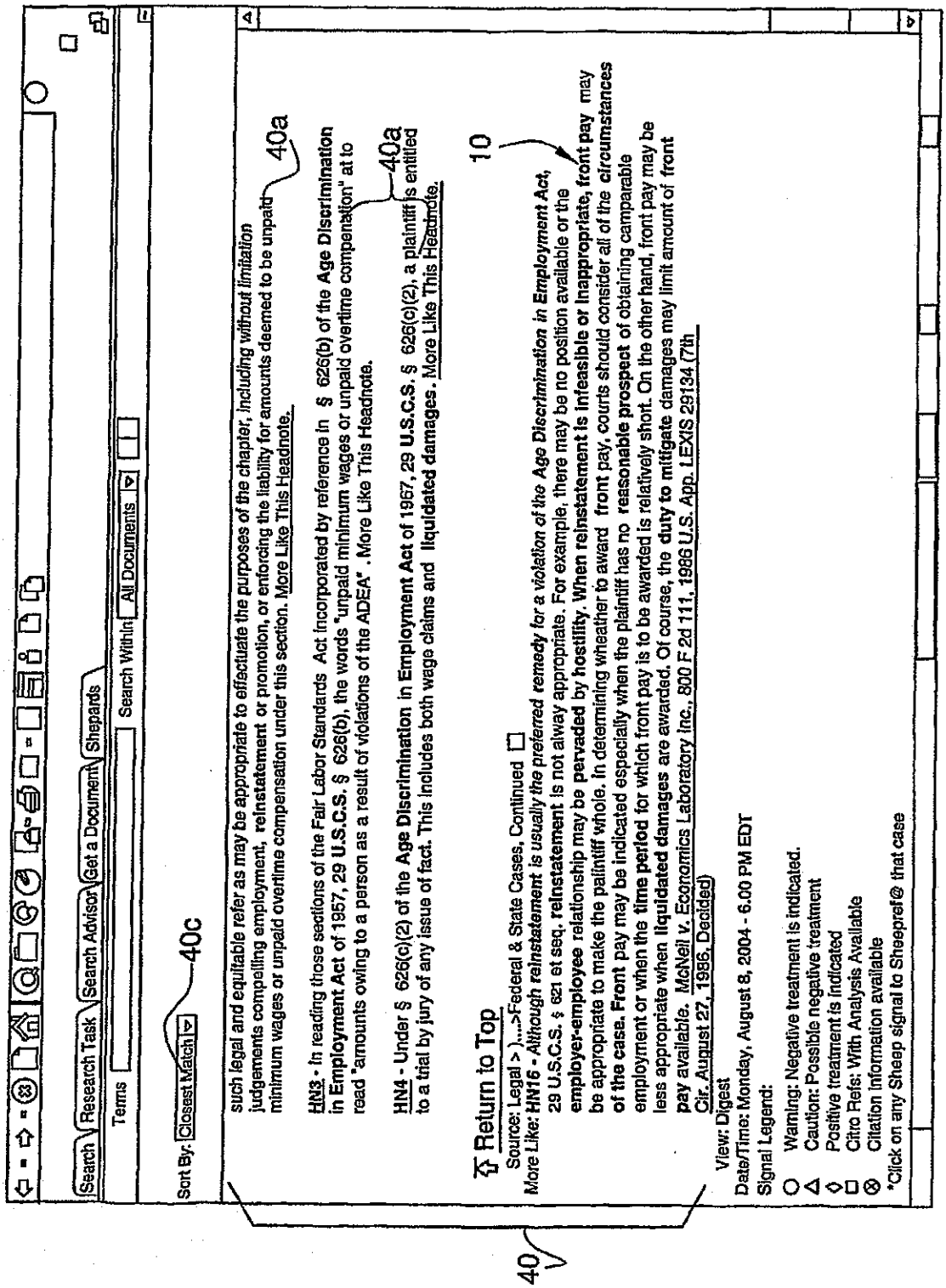

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such legal and equitable refer as may be appropriate to effectuate the purposes of the chapter, including without limitation judgements compelling employment, reinstatement or promotion, or enforcing the liability for amounts deemed to be unpaid minimum wages or unpaid overtime compensation under this section. More Like This Headnote.
40a
HN3 - In reading those sections of the Fair Labor Standards Act incorporated by reference in § 626(b) of the Age Discrimination in Employment Act of 1967, 29 U.S.C.S. § 626(b), the words "unpaid minimum wages or unpaid overtime compensation" at to read "amounts owing to a person as a result of violations of the ADEA". More Like This Headnote.
40a
HN4 - Under § 626(c)(2) of the Age Discrimination in Employment Act of 1967, 29 U.S.C.S. § 626(c)(2), a plaintiff is entitled to a trial by jury of any issue of fact. This includes both wage claims and liquidated damages. More Like This Headnote.
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FIG. 4C

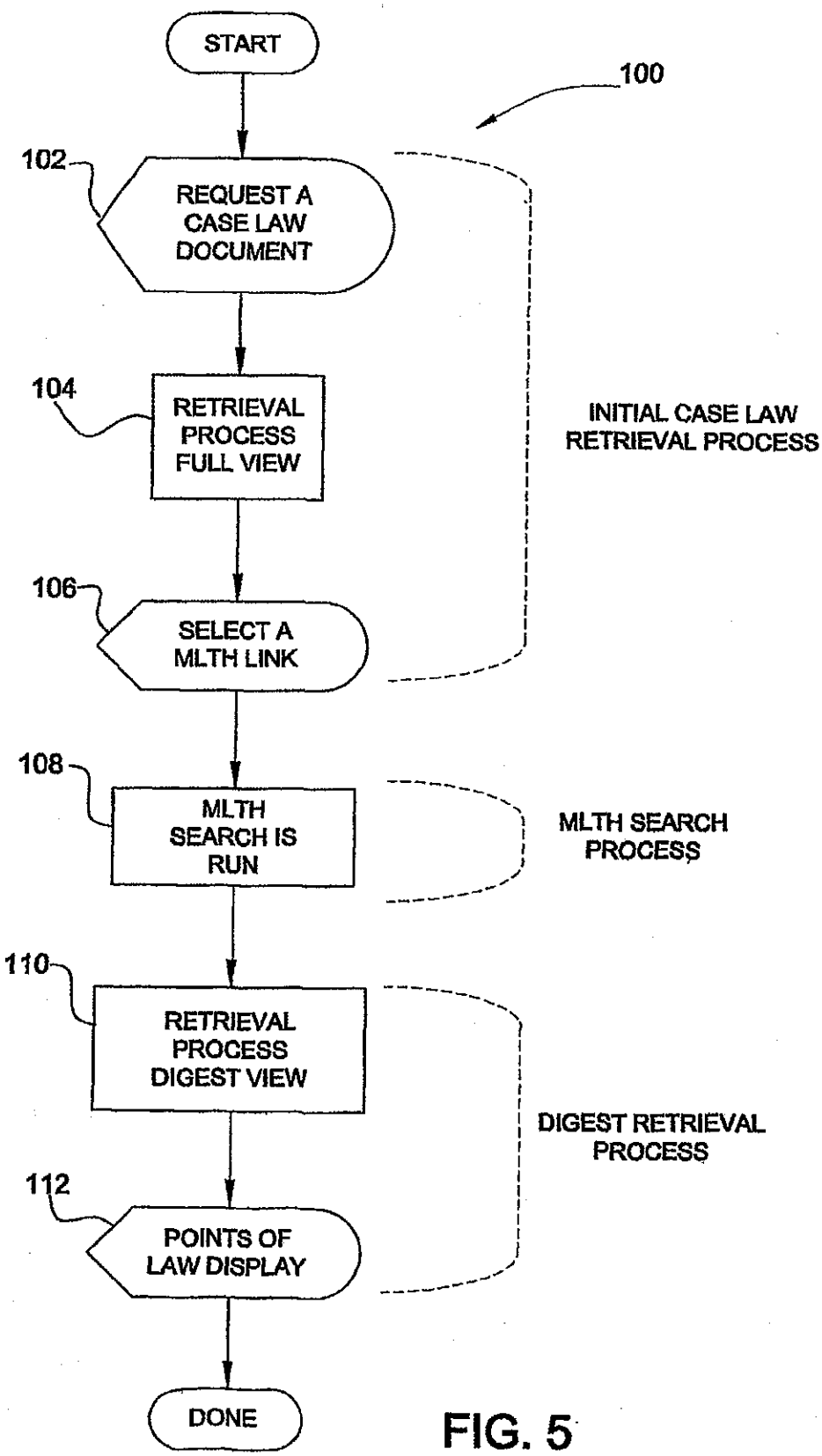

START
100
102
REQUEST A CASE LAW DOCUMENT
104
RETRIEVAL PROCESS FULL VIEW
INITIAL CASE LAW RETRIEVAL PROCESS
106
SELECT A MLTH LINK
108
MLTH SEARCH IS RUN
MLTH SEARCH PROCESS
110
RETRIEVAL PROCESS DIGEST VIEW
DIGEST RETRIEVAL PROCESS
112
POINTS OF LAW DISPLAY
DONE

FIG. 5

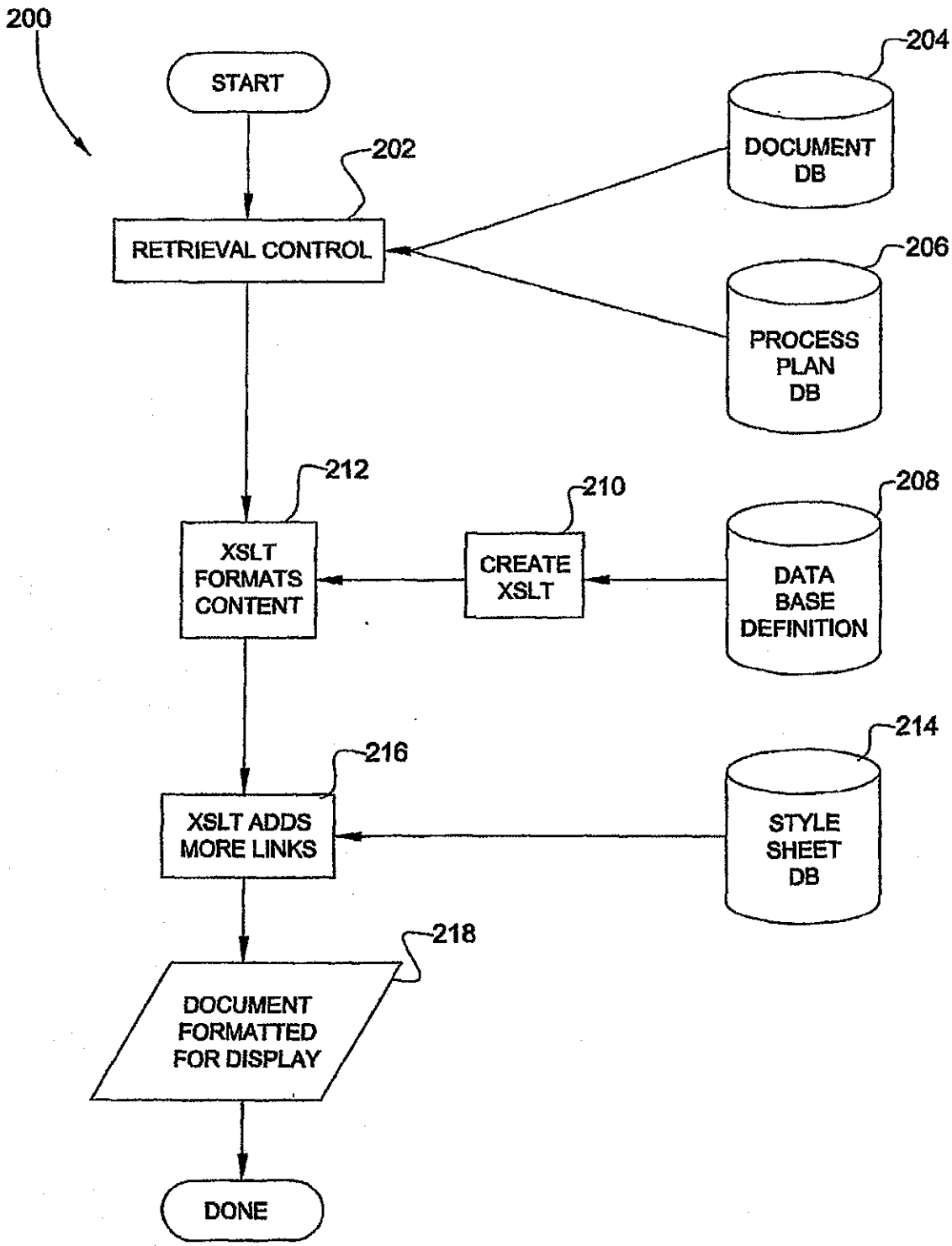

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START
202
RETRIEVAL CONTROL
204
DOCUMENT DB
206
PROCESS PLAN DB
212
XSLT FORMATS CONTENT
210
CREATE XSLT
208
DATA BASE DEFINITION
216
XSLT ADDS MORE LINKS
214
STYLE SHEET DB
218
DOCUMENT FORMATTED FOR DISPLAY
DONE

FIG. 6

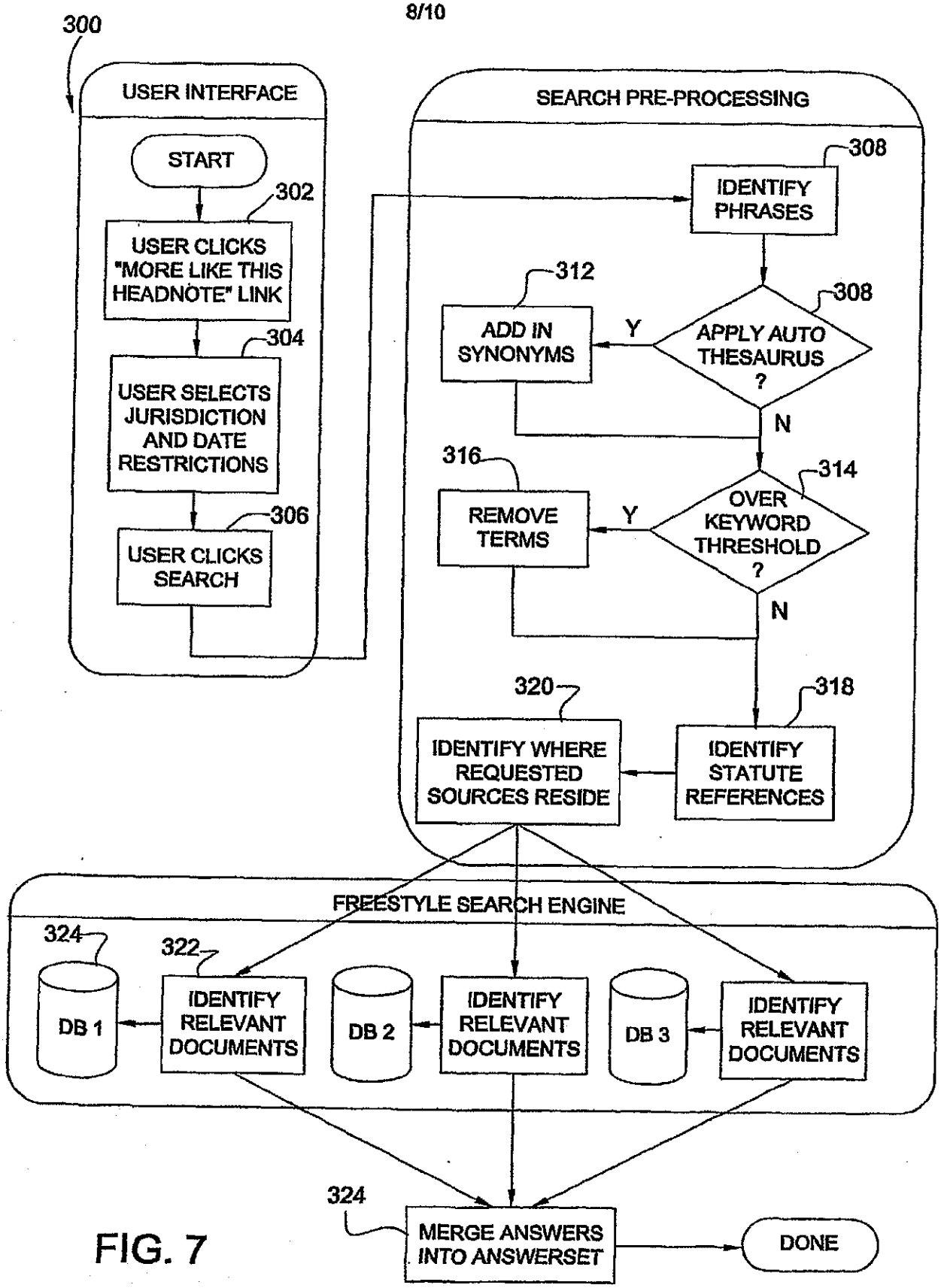

300
USER INTERFACE
START
302
USER CLICKS "MORE LIKE THIS HEADNOTE" LINK
304
USER SELECTS JURISDICTION AND DATE RESTRICTIONS
306
USER CLICKS SEARCH
SEARCH PRE-PROCESSING
308
IDENTIFY PHRASES
312
ADD IN SYNONYMS
Y
308
APPLY AUTO THESAURUS ?
N
316
REMOVE TERMS
Y
314
OVER KEYWORD THRESHOLD ?
N
320
IDENTIFY WHERE REQUESTED SOURCES RESIDE
318
IDENTIFY STATUTE REFERENCES
FREESTYLE SEARCH ENGINE
324
322
DB 1
IDENTIFY RELEVANT DOCUMENTS
DB 2
IDENTIFY RELEVANT DOCUMENTS
DB 3
IDENTIFY RELEVANT DOCUMENTS
324
MERGE ANSWERS INTO ANSWERSET
DONE

FIG. 7

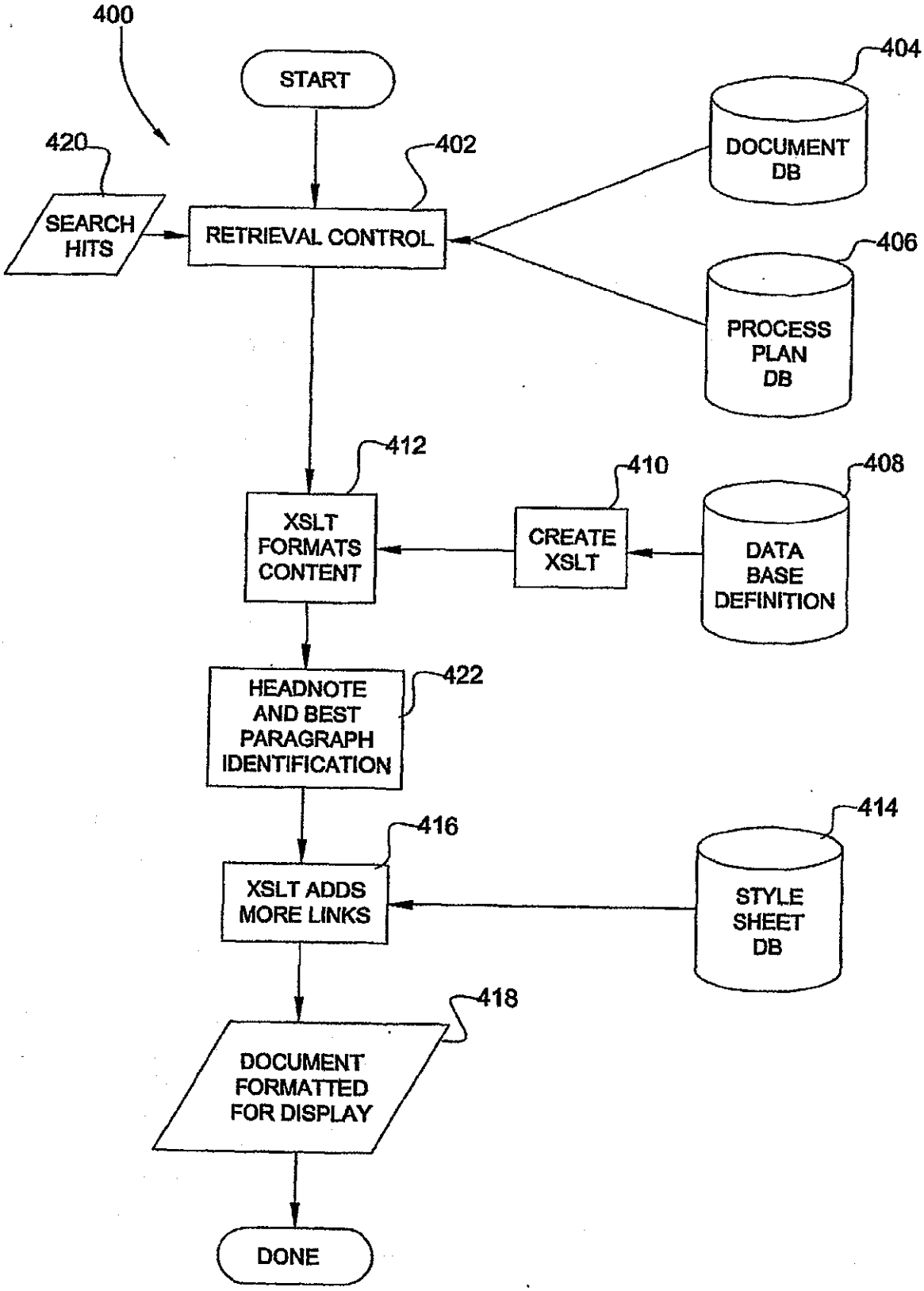

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START
404
DOCUMENT DB
420
SEARCH HITS
402
RETRIEVAL CONTROL
406
PROCESS PLAN DB
412
410
408
XSLT FORMATS CONTENT
CREATE XSLT
DATA BASE DEFINITION
HEADNOTE AND BEST PARAGRAPH IDENTIFICATION
422
414
416
XSLT ADDS MORE LINKS
STYLE SHEET DB
418
DOCUMENT FORMATTED FOR DISPLAY
DONE

FIG. 8

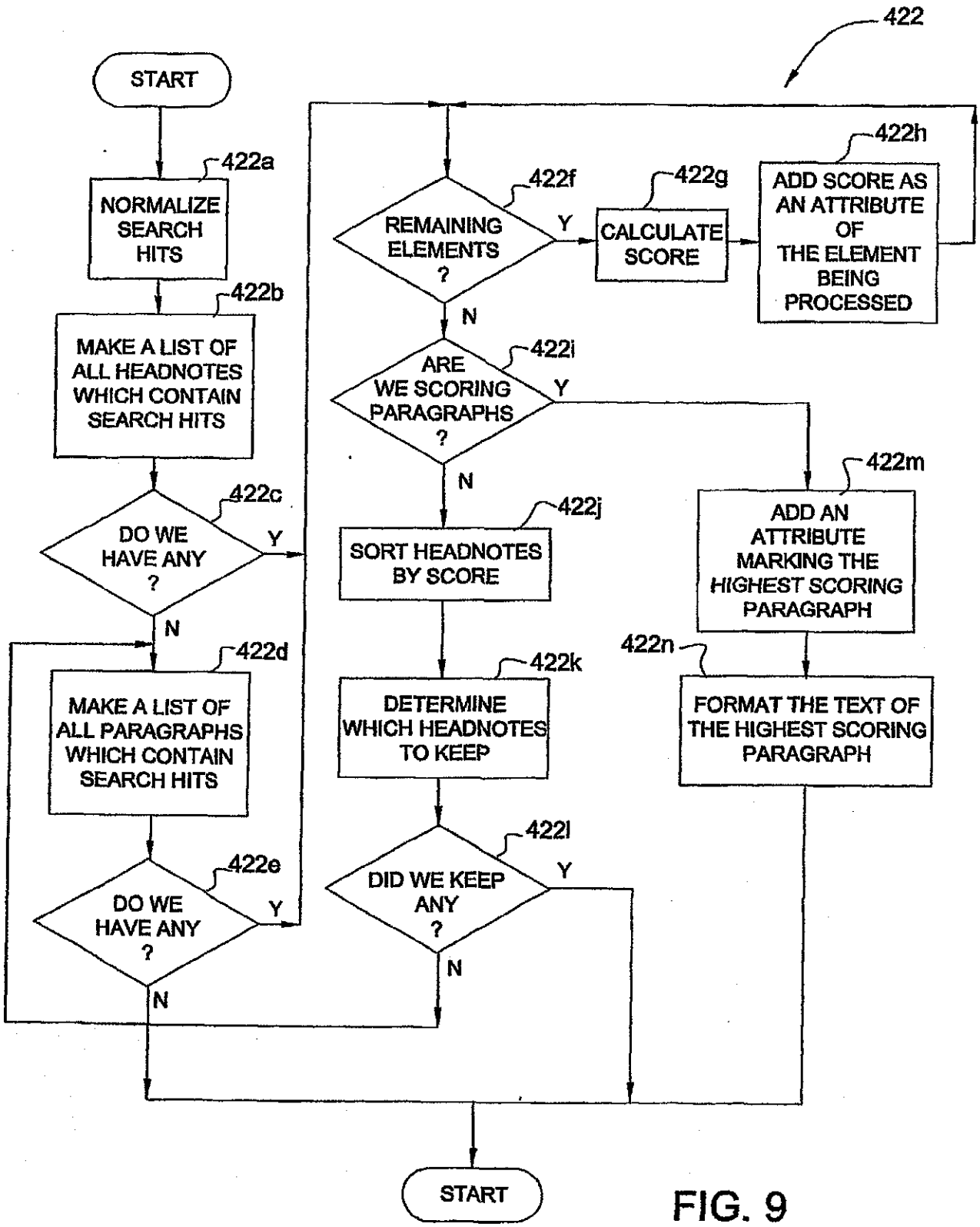

422
START
422a
NORMALIZE SEARCH HITS
422b
MAKE A LIST OF ALL HEADNOTES WHICH CONTAIN SEARCH HITS
422c
DO WE HAVE ANY ?
Y
N
422d
MAKE A LIST OF ALL PARAGRAPHS WHICH CONTAIN SEARCH HITS
422e
DO WE HAVE ANY ?
Y
N
422f
REMAINING ELEMENTS ?
Y
N
422g
CALCULATE SCORE
422h
ADD SCORE AS AN ATTRIBUTE OF THE ELEMENT BEING PROCESSED
422i
ARE WE SCORING PARAGRAPHS ?
Y
N
422j
SORT HEADNOTES BY SCORE
422k
DETERMINE WHICH HEADNOTES TO KEEP
422l
DID WE KEEP ANY ?
Y
N
422m
ADD AN ATTRIBUTE MARKING THE HIGHEST SCORING PARAGRAPH
422n
FORMAT THE TEXT OF THE HIGHEST SCORING PARAGRAPH
START

FIG. 9