IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICE KANTZ : on behalf of herself individually :

and on behalf of those similarly :

situated,

: CIVIL ACTION NO. 2:20-cv-00531

Plaintiff, :

: Judge Petrese B. Tucker

v. :

: JURY TRIAL DEMANDED

AT&T, INC.

and : AT&T SERVICES, INC., :

•

Defendants. :

PLAINTIFF'S BRIEF IN OPPOSITION TO DEFENDANTS' PARTIAL MOTION TO DISMISS

Respectfully submitted by,

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Dated: May 5, 2022



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	В.	On January 11, 2019, the E.D. Pa. entered summary judgment against AT&T for violating the ADEA through is use of its "General Release."
	C.	General Release's waiver of claims and collective action waiver under the ADEA are crucial to AT&T's systemic age discrimination
	D.	On January 28, 2019, AT&T notified Plaintiff and other older employees that they were selected for surplus/reduction in force and presented them with the <u>same</u> General Release and disclosures that the court in <i>Ray</i> already ruled violated the ADEA
	E.	AT&T knowingly and falsely told Plaintiff and other older employees that they were releasing their ADEA claims
	F.	AT&T obtained through the General Release a Class, Collective and Representative Action Waiver while falsely telling Plaintiff and other older employees that they had released all ADEA claims against AT&T anyway
	G.	AT&T never informed its terminated older employees that the General Release was invalid as to ADEA claims
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	A.	AT&T's judicial estoppel argument is off the mark because Plaintiff has not reversed her position
	В.	It would be premature to dismiss at this stage Plaintiff's collective action allegations based on AT&T's assertion of an affirmative defense
	C.	Under Pennsylvania law, AT&T's attempt to enforce the ADEA collective action waiver is a request for specific performance, which sounds in equity and is barred by the doctrine of unclean hands



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	1. AT&T's arguments as to the insufficiency of the Amended Complaint allegations are unavailing
	D. The "Class, Collective and Representative Action Waiver" as applied to Plaintiff's ADE claims is unconscionable under Pennsylvania law and should not be enforced
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