

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY,
FLORIDA

CASE NO.

MOSHE PERESS,

Plaintiff,

vs.

BOCA FERTILITY, INC. d/b/a
BOCA FERTILITY IVF CENTER,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, MOSHE PERESS (“Plaintiff”), by and through the undersigned counsel, hereby
sues Defendant, BOCA FERTILITY, INC. d/b/a BOCA FERTILITY IVF CENTER, hereinafter
(“Defendant”) and in support avers as follows:

GENERAL ALLEGATIONS

1. This action is brought by the Plaintiff for declaratory and injunctive relief and damages pursuant to the Florida Civil Rights Act of 1992, Fla. Stat. § 760.01 et seq. (the “Florida Civil Rights Act”) and pursuant to the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 et seq. (“ADEA”), to redress injury done to Plaintiff by the Defendant for discriminatory treatment on the basis of Plaintiff’s age, retaliation and a hostile work environment.
2. This is an action for damages exceeding Fifty Thousand Dollars (\$50,000.00), exclusive of interest, costs, and attorneys’ fees, and is within the jurisdiction of this Court.

3. This Court also has jurisdiction over Plaintiff's claims under the ADEA, which may be brought in any court of competent jurisdiction. 29 U.S.C. § 626(c)(1).
4. Plaintiff was employed by Defendant, having a place of business in Palm Beach County, Florida, where Plaintiff worked for Defendant.
5. Venue is proper in Palm Beach County, Florida pursuant to Fla. Stat. § 47.051 because Defendant has, or usually keeps, an office for the transaction of its customary business in Palm Beach County and because the causes of action accrued in Palm Beach County.
6. Defendant was a "person" and/or "employer" pursuant to the Florida Civil Rights Act of 1992, Fla. Stat. § 760.01 et seq., and pursuant to the Age Discrimination in Employment Act of 1967 ("ADEA"), since it employed fifteen (15) or more employees for purposes of the Florida Civil Rights Act and twenty (20) or more employees for purposes of the ADEA during the applicable statutory period; and Defendant is subject to the employment discrimination provisions of the Florida Civil Rights Act and the ADEA.
7. At all times material hereto, Plaintiff was an "employee" within the meaning of the Florida Civil Rights Act of 1992, Fla. Stat. § 760.01 et seq., and Defendant is subject to the employment discrimination provisions of the applicable statutes.
8. Plaintiff filed a timely Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"), Charge No. 510-2026-04903, which was dually filed with the Florida Commission on Human Relations ("FCHR").
9. Plaintiff filed the Charge of Discrimination on February 9, 2026. More than 180 days have passed since the filing of the Charge without a determination, and more than sixty (60) days have passed since the filing of the Charge for purposes of the ADEA, 29 U.S.C. § 626(d).

Plaintiff has requested or otherwise obtained the Notice of Right to Sue and is now timely filing suit.

10. All conditions precedent for the filing of this action before this Court have previously been met, including the exhaustion of all pertinent administrative procedures and remedies.
11. Declaratory, injunctive, legal, and equitable relief is sought pursuant to the laws set forth above together with attorneys' fees, costs and damages.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

12. Plaintiff is an individual over the age of forty (40) and is currently seventy-six (76) years old.
13. Plaintiff was employed by Defendant as its Medical Director beginning on or about January 16, 2023.
14. Plaintiff remained continuously employed by Defendant until on or about January 18, 2026, when his employment ended pursuant to Defendant's written notice of termination of his employment agreement dated October 20, 2025.
15. Plaintiff worked approximately forty (40) hours per week and was paid an annual salary of \$500,000.00 through direct deposit as a salaried, exempt employee.
16. Throughout his employment, Plaintiff consistently performed his job duties in a satisfactory and exemplary manner.
17. Plaintiff never received disciplinary action, counseling, written warnings, negative performance evaluations, or any indication that his performance was deficient.
18. Despite Plaintiff's strong performance, Defendant began treating him less favorably because of his age.

19. Beginning in or around 2024 and continuing into 2025, Defendant systematically diverted new patient appointments away from Plaintiff and instead assigned those patients to substantially younger physicians employed by Defendant.
20. The diversion of new patients significantly reduced Plaintiff's ability to generate revenue for the practice and negatively impacted his opportunity to earn performance-based bonuses.
21. When Plaintiff questioned the reduction in new patient referrals, Defendant initially denied that any preferential scheduling was occurring.
22. Plaintiff subsequently learned that Defendant had instructed front office personnel not to schedule new patient appointments with Plaintiff and to reserve his schedule primarily for returning patients.
23. Upon information and belief, younger physicians did not have similar restrictions placed on their patient scheduling and continued receiving new patient referrals.
24. In or around December 2024, Plaintiff attended a meeting with Defendant's owners regarding what was described as the practice's "transition strategy."
25. During that meeting, Defendant's owners repeatedly stated that the medical practice would be more attractive to potential buyers if younger physicians were part of the practice.
26. The repeated references to the desirability of younger physicians were made in connection with Defendant's staffing decisions and future business plans.
27. Following the December 2024 meeting, Defendant continued directing new patient appointments to younger physicians while limiting Plaintiff's access to new patients.
28. As a result, Plaintiff continued experiencing diminished earning opportunities despite maintaining satisfactory job performance.

29. At the time Defendant acquired Boca Fertility, Plaintiff was verbally assured that he could continue practicing medicine for Defendant for as long as he wished.
30. In reliance upon those representations, Plaintiff fully cooperated with Defendant's transition plan and complied with all requested changes in leadership responsibilities.
31. Consistent with Defendant's transition plan, Plaintiff agreed to step down from his role as Clinic Director in or around November or December 2025 and continue practicing as a treating physician.
32. At all times, Plaintiff expressly informed Defendant's owners and Board that he had no intention of retiring from the practice of medicine and intended to continue working for as long as he was able to provide high-quality patient care.
33. Plaintiff never represented that he intended to voluntarily retire from the practice of medicine.
34. Nevertheless, after Defendant effectively forced Plaintiff from the practice, Plaintiff learned that Defendant had represented to other physicians that Plaintiff had voluntarily retired.
35. Plaintiff possesses written communications demonstrating that physicians within Defendant's network were informed that Plaintiff had retired, despite Defendant's knowledge that Plaintiff never intended to retire.
36. Upon information and belief, Defendant promoted this false retirement narrative to conceal its decision to replace Plaintiff with substantially younger physicians.
37. During a Board meeting in late 2024, Defendant again emphasized that the practice would have greater value and would be more attractive to future buyers if younger physicians comprised the medical staff.
38. Plaintiff contemporaneously documented these age-related comments in written notes taken during the meeting.

39. Defendant had previously represented that new patients would be distributed equally among the physicians practicing at the clinic.
40. Contrary to those representations, Defendant instructed front office staff to preferentially assign new patients to substantially younger physicians while limiting Plaintiff primarily to returning patients.
41. Numerous patients complained to Plaintiff that they had been encouraged to transfer their care away from him and to younger physicians employed by Defendant.
42. The diversion of patients substantially reduced Plaintiff's opportunity to generate revenue and earn incentive compensation despite his continued satisfactory performance.
43. During discussions concerning Plaintiff's continued employment, Defendant presented Plaintiff with a proposed contract reducing his annual compensation from \$500,000.00 to \$150,000.00.
44. Plaintiff advised Defendant that the proposed compensation was humiliating and discriminatory, particularly because substantially younger physicians continued receiving compensation in excess of \$500,000.00.
45. Defendant initially represented that a mutually acceptable agreement could be reached and assured Plaintiff that he remained a highly respected physician within the organization.
46. However, when Plaintiff followed up approximately one week later, Defendant advised that the \$150,000.00 proposal was the only contract Defendant would offer.
47. Defendant further imposed a new condition requiring Plaintiff to obtain approval from two substantially younger physicians, each with significantly less experience than Plaintiff, before providing treatment to his own patients.

48. Prior to Plaintiff objecting to Defendant's discriminatory treatment, Defendant had never questioned Plaintiff's medical judgment, competency, or ability to safely treat patients.
49. Defendant never disciplined Plaintiff, issued corrective action, provided negative performance evaluations, or documented any concerns regarding Plaintiff's clinical abilities.
50. Plaintiff consistently maintained outstanding performance throughout his employment. As an Associate Professor at Florida Atlantic University, Plaintiff continued mentoring medical students through December 2025 and consistently received evaluation scores between ninety percent (90%) and ninety-five percent (95%).
51. Plaintiff routinely assisted the younger physicians with complex surgical procedures when they encountered difficulties and, upon information and belief, Plaintiff's clinical outcome data compared favorably to, and frequently exceeded, that of the substantially younger physicians despite Plaintiff treating older and more medically challenging patients.
52. Upon information and belief, Defendant's later claims questioning Plaintiff's competency were first asserted only after Plaintiff objected to Defendant's discriminatory reduction in compensation, hours, patient assignments, and professional responsibilities.
53. Following the end of Plaintiff's employment, Plaintiff received inquiries and employment opportunities from other fertility clinics seeking to hire him on a full-time basis, further undermining Defendant's asserted concerns regarding Plaintiff's ability to practice medicine.
54. Defendant's stated reasons for reducing Plaintiff's compensation, limiting his patient assignments, diminishing his responsibilities, and replacing him with substantially younger physicians were false and constituted a pretext for unlawful age discrimination.

55. Plaintiff was never informed that these changes were based upon any legitimate performance concerns, patient complaints, disciplinary issues, or business deficiencies attributable to Plaintiff.
56. Instead, Defendant's conduct occurred after repeated discussions emphasizing the desirability of younger physicians and reflected a pattern of favoring younger doctors over Plaintiff.
57. Thereafter, Defendant presented Plaintiff with a proposed employment agreement that would become effective in January 2026.
58. Under the proposed agreement, Defendant sought to reduce Plaintiff's annual salary from \$500,000.00 to \$150,000.00, representing a reduction of approximately seventy percent (70%).
59. Defendant also sought to reduce Plaintiff's work schedule from full-time employment to approximately fifteen (15) hours per week.
60. Defendant did not identify any legitimate performance-based reason or business justification for imposing these drastic reductions in Plaintiff's compensation and hours.
61. Around the same time, Plaintiff learned that Defendant intended to hire an additional physician, scheduled to begin employment in approximately June or July 2026.
62. Upon information and belief, Defendant's decision to significantly reduce Plaintiff's role while expanding its physician workforce further reflects Defendant's preference for substantially younger physicians.
63. Defendant's actions, including diverting new patients to younger physicians, limiting Plaintiff's earning opportunities, proposing a drastic reduction in his compensation and work hours, and expressing a preference for younger physicians in connection with its business strategy, constitute adverse employment actions taken because of Plaintiff's age.

64. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer loss of compensation, loss of earning capacity, loss of employment benefits, emotional distress, humiliation, and other damages recoverable under the Age Discrimination in Employment Act.

COUNT I
***Discrimination Based on Age in Violation of
the Florida Civil Rights Act of 1992***

65. Plaintiff re-adopts and incorporates paragraphs 1-64 of this Complaint as if set out in full herein. Plaintiff does not adopt or incorporate the allegations of any other count.

66. Plaintiff is a member of a protected class under the Florida Civil Rights Act of 1992, to wit, Plaintiff is over forty (40) years of age.

67. By the conduct described above, Defendant has engaged in discrimination against Plaintiff because of Plaintiff's age and subjected the Plaintiff to age-based animosity.

68. Such discrimination was based upon the Plaintiff's age in that Plaintiff would not have been the object of discrimination but for the fact that Plaintiff is over the age of forty (40).

69. Defendant's conduct complained of herein was willful and in reckless disregard of Plaintiff's protected rights. Defendant and its supervisory personnel were aware that discrimination on the basis of Plaintiff's age was unlawful but acted in reckless disregard of the law.

70. At all times material hereto, the employees exhibiting discriminatory conduct towards Plaintiff possessed the authority to affect the terms, conditions, and privileges of Plaintiff's employment with the Defendant.

71. Defendant retained all employees who exhibited discriminatory conduct toward the Plaintiff and did so despite the knowledge of said employees engaging in discriminatory actions.

72. As a result of Defendant's actions, as alleged herein, Plaintiff has been deprived of rights, has been exposed to ridicule and embarrassment, and has suffered emotional distress and damage.
73. Defendant's basis for the adverse conduct against Plaintiff, if any, are pretextual and illegitimate, asserted only to justify the discriminatory nature of their conduct.
74. The conduct of Defendant, by and through the conduct of its agents, employees, and/or representatives, and the Defendant's failure to make prompt remedial action to prevent continued discrimination against the Plaintiff, deprived the Plaintiff of statutory rights under state law.
75. The actions of the Defendant and/or its agents were willful, wanton, and intentional, and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus entitling Plaintiff to damages in the form of compensatory and punitive damages pursuant to state law, to punish the Defendant for its actions and to deter it, and others, from such action in the future.
76. Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damages as a result of Defendant's discriminatory practices unless and until this Honorable Court grants relief.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter judgment against the Defendant; find that the Defendant indeed violated the Florida Civil Rights Act of 1992, and in addition, order the following additional relief:

- A. Declare that the acts complained of herein are in violation of the Florida Civil Rights Act.
- B. Award Plaintiff compensatory damages for emotional distress, embarrassment and humiliation.

- C. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates.
- D. Reinstate full fringe benefits and seniority rights to Plaintiff.
- E. Order Defendant to make Plaintiff whole, by compensating Plaintiff for lost wages, benefits, including front pay, back pay with prejudgment interest.
- F. For a money judgment representing prejudgment interest.
- G. Grant Plaintiff's costs of this action including reasonable attorney's fees.
- H. Grant Plaintiff a trial by jury; and
- I. Grant such other and further relief as the Court deems just and proper.

COUNT II

Retaliation in Violation of the Florida Civil Rights Act of 1992

- 77. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 through 64 above as if set out in full herein. Plaintiff does not adopt or incorporate the allegations of any other count.
- 78. Defendant is an employer as that term is used under the applicable statutes referenced above.
- 79. The foregoing allegations establish a cause of action for unlawful retaliation after Plaintiff engaged in a statutorily protected activity under the Florida Civil Rights Act of 1992.
- 80. The foregoing unlawful acts by Defendant were purposeful.
- 81. Plaintiff engaged in protected activity by opposing Defendant's unlawful age discrimination and questioning Defendant's discriminatory practice of diverting new patient appointments to substantially younger physicians. After Plaintiff raised concerns regarding the reduction in his new patient referrals, Defendant initially denied that any preferential scheduling was

occurring. Thereafter, Plaintiff learned that front office staff had been instructed not to schedule new patient appointments for Plaintiff except for returning patients. Following Plaintiff's opposition to Defendant's discriminatory practices, Defendant continued restricting Plaintiff's access to new patients, proposed a new employment agreement reducing Plaintiff's annual salary from \$500,000.00 to \$150,000.00, reduced Plaintiff's work schedule from full-time to approximately fifteen (15) hours per week, and continued implementing its plan to replace or marginalize Plaintiff in favor of substantially younger physicians. Defendant's actions would dissuade a reasonable employee from opposing unlawful discrimination and were taken in retaliation for Plaintiff's protected activity, in violation of the Florida Civil Rights Act.

82. As a direct and proximate result of the foregoing unlawful acts and omissions, Plaintiff has suffered mental anguish, emotional distress, expense, loss of benefits, embarrassment, humiliation, damage to reputation, illness, lost wages, loss of capacity for the enjoyment of life, and other tangible and intangible damages.
83. These damages are continuing and are permanent.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter judgment against the Defendant; find that the Defendant indeed violated the Florida Civil Rights Act, and in addition, order the following additional relief:

- A. Declare that the acts complained of herein are in violation of the Florida Civil Rights Act.
- B. Award Plaintiff compensatory damages for emotional distress, embarrassment and humiliation.

- C. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates.
- D. Reinstate Plaintiff to the same position he held before the retaliatory personnel action, or to an equivalent position.
- E. Reinstate full fringe benefits and seniority rights to Plaintiff.
- F. Order Defendant to make Plaintiff whole, by compensating Plaintiff for lost wages, benefits, including front pay, back pay with prejudgment interest.
- G. For a money judgment representing prejudgment interest.
- H. Grant Plaintiff's costs of this action, including reasonable attorney's fees.
- I. Grant Plaintiff a trial by jury; and
- J. Grant such other and further relief as the Court deems just and proper.

COUNT III

Hostile Work Environment in Violation of the Florida Civil Rights Act of 1992

- 84. Plaintiff re-adopts and incorporates paragraphs 1-64 of this complaint as if set out in full herein.
Plaintiff does not adopt or incorporate the allegations of any other count.
- 85. Defendant is an employer as that term is used under the applicable statutes referenced above.
- 86. The foregoing allegations establish unlawful discrimination against Plaintiff in violation of the Florida Civil Rights Act of 1992.
- 87. Plaintiff, a male over forty (40) years of age, is within a protected class as envisioned by the Florida Civil Rights Act.
- 88. During his employment with Defendant, Defendant subjected Plaintiff to unwelcome harassment.

89. The harassment Plaintiff endured by Defendant was predicated on Plaintiff being a male over forty (40) years of age, who is within a protected class as envisioned by the Florida Civil Rights Act of 1992.
90. The harassment was decidedly severe, as Defendant had continuously harassed Plaintiff because of his age.
91. The discriminatory treatment Plaintiff endured was severe and pervasive and created a hostile work environment because of his age. Defendant repeatedly diverted new patient appointments to substantially younger physicians, instructed front office staff to limit Plaintiff's new patient appointments, openly expressed that the practice would be more attractive to potential buyers if younger physicians were part of the practice, and sought to drastically reduce Plaintiff's salary and work hours despite his exemplary performance and lack of any disciplinary history. Defendant's repeated age-based conduct undermined Plaintiff's professional standing, diminished his earning opportunities, humiliated Plaintiff, and materially altered the terms, conditions, and privileges of his employment. As a direct and proximate result of Defendant's discriminatory conduct, Plaintiff suffered emotional distress, humiliation, anxiety, loss of professional reputation, and economic damages. Defendant's conduct constitutes a hostile work environment in violation of the Florida Civil Rights Act.
92. Defendant is liable for this conduct, either vicariously or directly, because Plaintiff's supervisor had knowledge of the harassment and abuse, and no remedial or disciplinary action was undertaken.
93. As a direct and proximate result of the foregoing unlawful acts and omissions, Plaintiff has suffered mental anguish, emotional distress, expense, loss of benefits, embarrassment,

humiliation, damage to reputation, lost wages, loss of capacity for the enjoyment of life, and other tangible and intangible damages.

94. These damages are continuing and are permanent.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter judgment against the Defendant; find that the Defendant indeed violated the Florida Civil Rights Act of 1992, by failing to remedy this hostile work environment; and in addition, order the following additional relief:

- A. Declare that the acts complained of herein are in violation of the Florida Civil Rights Act.
- B. Award Plaintiff compensatory damages for emotional distress, embarrassment and humiliation.
- C. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates.
- D. Reinstatement Plaintiff to the same position he held before the retaliatory personnel action, or to an equivalent position.
- E. Reinstatement full fringe benefits and seniority rights to Plaintiff.
- F. Order Defendant to make Plaintiff whole, by compensating Plaintiff for lost wages, benefits, including front pay, back pay with prejudgment interest.
- G. For a money judgment representing prejudgment interest.
- H. Grant Plaintiff's costs of this action including reasonable attorney's fees.
- I. Grant Plaintiff a trial by jury; and
- J. Grant such other and further relief as the Court deems just and proper.

COUNT IV

***Discrimination Based on Age in Violation of
the Age Discrimination in Employment Act of 1967***

95. Plaintiff re-adopts each and every general and factual allegation as stated in paragraphs 1-64 above as if set out in full herein. Plaintiff does not adopt or incorporate the allegations of any other count.
96. Plaintiff is a member of a protected class under the Age Discrimination in Employment Act of 1967, to wit, Plaintiff is over forty (40) years of age.
97. By the conduct described above, Defendant has engaged in discrimination against Plaintiff because of Plaintiff's age and subjected the Plaintiff to age-based animosity.
98. Such discrimination was based upon the Plaintiff's age in that Plaintiff would not have been the object of discrimination but for the fact that Plaintiff is over the age of forty (40).
99. Defendant's conduct complained of herein was willful and in reckless disregard of Plaintiff's protected rights. Defendant and its supervisory personnel were aware that discrimination based on Plaintiff's age was unlawful but acted in reckless disregard of the law.
100. At all times material hereto, the employees exhibiting discriminatory conduct towards Plaintiff possessed the authority to affect the terms, conditions, and privileges of Plaintiff's employment with the Defendant.
101. Defendant retained all employees who exhibited discriminatory conduct toward the Plaintiff and did so despite the knowledge of said employees engaging in discriminatory actions.
102. As a result of Defendant's actions, as alleged herein, Plaintiff has been deprived of rights, has been exposed to ridicule and embarrassment, and has suffered emotional distress and damage.

103. Defendant's basis for the adverse conduct against Plaintiff, if any, are pretextual and illegitimate, asserted only to justify the discriminatory nature of their conduct.
104. The conduct of Defendant, by and through the conduct of its agents, employees, and/or representatives, and the Defendant's failure to make prompt remedial action to prevent continued discrimination against the Plaintiff, deprived the Plaintiff of statutory rights under state and federal law.
105. The actions of the Defendant and/or its agents were willful, wanton, and intentional, and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus entitling Plaintiff to liquidated damages pursuant to 29 U.S.C. § 626(b).
106. Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damages as a result of Defendant's discriminatory practices unless and until this Honorable Court grants relief.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter judgment against the Defendant; find that the Defendant indeed violated the Age Discrimination in Employment Act of 1967, and in addition, order the following additional relief:

- A. Declare that the acts complained of herein are in violation of the Age Discrimination in Employment Act of 1967.
- B. Award Plaintiff liquidated damages pursuant to 29 U.S.C. § 626(b).
- C. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates.
- D. Reinstate Plaintiff to the same position he held before the retaliatory personnel action, or to an equivalent position.

- E. Reinstate full fringe benefits and seniority rights to Plaintiff.
- F. Order Defendant to make Plaintiff whole, by compensating Plaintiff for lost wages, benefits, including front pay, back pay with prejudgment interest.
- G. For a money judgment representing prejudgment interest.
- H. Grant Plaintiff's costs of this action including reasonable attorney's fees.
- I. Grant Plaintiff a trial by jury; and
- J. Grant such other and further relief as the Court deems just and proper.

COUNT V
Retaliation in Violation of
the Age Discrimination in Employment Act of 1967

107. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-64 of this complaint as if set out in full herein. Plaintiff does not adopt or incorporate the allegations of any other count.
108. Plaintiff is a member of a protected class under the Age Discrimination in Employment Act of 1967.
109. By the conduct described above, Defendant retaliated against Plaintiff for exercising rights protected under the Age Discrimination in Employment Act of 1967.
110. Defendant's conduct complained of herein was willful and in disregard of Plaintiff's protected rights. Defendant and its supervisory personnel were aware that discrimination on the basis of Plaintiff's age was unlawful but acted in reckless disregard of the law.
111. As a result of Defendant's actions, as alleged herein, Plaintiff has been deprived of rights, has been exposed to ridicule and embarrassment, and has suffered emotional distress and damage.
112. The conduct of Defendant, by and through the conduct of its agents, employees, and/or

representatives, and the Defendant's failure to make prompt remedial action to prevent continued discrimination against the Plaintiff, deprived the Plaintiff of statutory rights under federal law.

113. The actions of the Defendant and/or its agents were willful, wanton, and intentional, and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus entitling Plaintiff to liquidated damages pursuant to 29 U.S.C. § 626(b).
114. Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damages as a result of Defendant's discriminatory practices unless and until this Honorable Court grants relief.

WHEREFORE, Plaintiff respectfully prays for the following relief against Defendant:

- A. Adjudge and decree that Defendant has violated the Age Discrimination in Employment Act of 1967, and has done so willfully, intentionally, and with reckless disregard for Plaintiff's rights.
- B. Enter a judgment requiring that Defendant pay Plaintiff appropriate back pay, benefits' adjustment, and prejudgment interest at amounts to be proved at trial for the unlawful employment practices described herein.
- C. Enter an award against Defendant awarding Plaintiff liquidated damages pursuant to 29 U.S.C. § 626(b).
- D. Require Defendant to reinstate Plaintiff to the position at the rate of pay and with the full benefits Plaintiff would have had Plaintiff not been discriminated against by Defendant, or in lieu of reinstatement, award front pay.
- E. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees.
- F. Grant Plaintiff such additional relief as the Court deems just and proper.

COUNT VI
Violation of the Age Discrimination in Employment Act of 1967:
Hostile Work Environment

115. Plaintiff pursuant to the Age Discrimination in Employment Act, sues Defendant, and re-alleges as set forth herein paragraphs 1-64 of this initial complaint, without adopting or incorporating the allegations of any other count, and states:
116. Defendant is an employer as that term is used under the applicable statutes referenced above.
117. The foregoing allegations establish a cause of action for an unlawful hostile work environment adversely affecting Plaintiff under the Age Discrimination in Employment Act.
118. Plaintiff, as a male over the age of forty (40), is within a protected class as envisioned by the Age Discrimination in Employment Act.
119. During his employment with Defendant, Plaintiff was subjected to unwelcome harassment.
120. The harassment Plaintiff endured by Defendant was predicated on Plaintiff being a male over the age of forty (40). The harassment was decidedly severe, as Defendant had continuously harassed Plaintiff.
121. The harassment Plaintiff endured was severe and pervasive. Defendant repeatedly diverted new patient appointments to substantially younger physicians, instructed front office staff to limit Plaintiff's new patient appointments, openly expressed that the practice would be more attractive to potential buyers if younger physicians were part of the practice, and sought to drastically reduce Plaintiff's salary and work hours despite his exemplary performance. Such conduct was not isolated to a single occurrence, was demonstrably abusive, and altered the terms, conditions, and privileges of Plaintiff's employment.

122. Defendant is liable for this conduct, either vicariously or directly, because Plaintiff's supervisor had knowledge of the harassment and abuse, and no remedial or disciplinary action was undertaken.

123. As a direct and proximate result of the foregoing unlawful acts and omissions, Plaintiff has suffered mental anguish, emotional distress, expense, loss of benefits, embarrassment, humiliation, damage to reputation, lost wages, loss of capacity for the enjoyment of life, and other tangible and intangible damages.

124. These damages are continuing and are permanent.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against the Defendant; find that the Defendant indeed violated the Age Discrimination in Employment Act by failing to remedy this hostile work environment; and in addition, order the following additional relief:

- A. Declare that the acts complained of herein are in violation of Age Discrimination in Employment Act.
- A. Award Plaintiff liquidated damages pursuant to 29 U.S.C. § 626(b).
- B. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates.
- C. Reinstate Plaintiff to the same position he held before the retaliatory personnel action, or to an equivalent position.
- D. Reinstate full fringe benefits and seniority rights to Plaintiff.
- E. Order Defendant to make Plaintiff whole, by compensating Plaintiff for lost wages, benefits, including front pay, back pay with prejudgment interest.

- F. For a money judgment representing prejudgment interest.
- G. Grant Plaintiff's costs of this action including reasonable attorney's fees.
- H. Grant Plaintiff a trial by jury; and
- I. Grant such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury of all issues triable as of right by jury.

Dated: August 26, 2026

Respectfully submitted,

/s/: Peter M. Hoogerwoerd
Peter M. Hoogerwoerd, Esq.
Fla. Bar No.: 0188239
pmh@rgph.law
**REMER, GEORGES-PIERRE &
HOOGERWOERD, PLLC**
2745 Ponce de Leon Blvd
Coral Gables, FL 33134
(305) 416-5000- Telephone

Counsel for Plaintiff