

Hanson v. "The Guys"

Dave Hanson, Plaintiff, files Age Discrimination Complaint against The Guys, Defendant.



UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Plaintiff Dave Hanson, by his attorney, Nicholas T. Hedges, for his Complaint alleges as follows:

Nature of the Action

1. This is an action seeking behavior modification and redress for damages from relentless and cumulative incidents of age discrimination. Plaintiff alleges James "Jimmy" Decker, 37; Mike "Groggy" Boulheim, 35; and Geoff "Zippo" Kulowski, 38 ("The Guys") have treated Plaintiff differently since his 40th birthday, regarding his opinions and cultural references as "outdated and irrelevant." Plaintiff claims age discrimination continues despite fact that his appearance and dress are youthful, his use of "slang" is compatible with that of the Defendants, and he exhibits a continued partiality to cultural influences favored by adults in their 20s and early 30s. Plaintiff also notes that The Guys regard his presence as detrimental in places where The Guys are attempting to meet women, despite fact that Plaintiff still has as much "game" as Defendants with the exception of Boulheim.

2. Plaintiff and The Guys enjoy a long-standing friendship that included a celebration of Plaintiff's 40th birthday on November 8, 2009. During celebration of said birthday, Plaintiff endures many age-related comments, including remarks on his virility and diminished mental acumen, as well as numerous ginkgo biloba and "mobility scooter" references. Plaintiff assumes this was "due course" and tolerates treatment with stiff upper lip.

3. On November 20, 2009, Plaintiff notices that while Decker continues to habitually address other members of The Guys as "Dude," he ceases to address Plaintiff as "Dude" despite a long history of doing so.

4. Plaintiff observes that when The Guys gather at Defendant Decker's apartment on December 9, 2009, Defendant Kulowski presents Defendants Boulheim and Decker with burned copies of a bootleg Kings Of Leon CD but had not made one for Plaintiff, even though Plaintiff had previously attended Kings Of Leon concerts with The Guys and in fact it was Plaintiff who first brought Kings Of Leon to the attention of The Guys in 2004 or thereabouts.

5. On January 11, 2010, Plaintiff learns that a Friday night *Grand Theft Auto* marathon had not included him, even though Plaintiff is on an equal skill level with all Defendants except Decker. Defendants claim under subsequent questioning that the game was "impromptu" and that at 10:35 p.m. it had been "too late" to call Plaintiff;

Plaintiff recalls receiving calls well after midnight in months leading up to his 40th birthday.

6. Plaintiff notes several incidents over subsequent weeks that make him feel that The Guys have consciously or subconsciously linked him to the class of people The Guys traditionally regard as "snowbirds" or "coffin-dodgers":

a.) during a discussion of a humorous item from *The Onion* regarding a new iPhone app, Plaintiff realizes that Defendant Boulheim no longer forwards him items from *The Onion* that regard technology; Plaintiff notes that Boulheim does continue to forward him items on blood thinners and lawn care.

b.) at a gathering of The Guys, Defendant Decker makes a joke about "sexting" and looks for laughs from Defendants Kulowski and Boulheim, but doesn't even make eye contact with Plaintiff.

c.) when Plaintiff makes dinner arrangements with Defendant Kulowski, Kulowski executes "switcheroo" heretofore only seen on sitcoms, in which Plaintiff finds himself having an intimate dinner with Kulowski's mother, a divorcee.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment on his claims for relief. Plaintiff requests

a.) that he be reinstated to his former status as a "contemporary" and relief from "marginalization" shall be granted in the resumption of Defendants referring to Plaintiff as "Dude," "Brah," "Bro" or "Skeeter"; also, Plaintiff shall be included in all activities wherein The Guys exude "youthful exuberance" and defiance, such as "beer bong testing" and "ditching work" to attend unspecified day games at Yankee Stadium

b.) that The Guys acknowledge that 40 "is only a number" and as such compensate him for pain and suffering by treating him to a weekend at Mohegan Sun Resort & Casino, at which for all purposes Plaintiff will celebrate his 35th birthday

c.) that during said Mohegan Sun Resort & Casino weekend and in all future cases, The Guys no longer refer to Plaintiff's age inasmuch as it concerns his dealings with women; admissions or deceptions regarding Plaintiff's age shall heretofore be left wholly to the discretion of the Plaintiff.

Dave Hanson writes for Lopez Tonight. He's also the author of Last Leg.