

UNPUBLISHED

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

JOAN M. CASSIDAY,  
*Plaintiff-Appellant,*  
v.  
GREENHORNE & O'MARA,  
INCORPORATED,  
*Defendant-Appellee.*

No. 02-2060

Appeal from the United States District Court  
for the District of Maryland, at Greenbelt.  
Peter J. Messitte, District Judge.  
(CA-01-2150-PJM)

Submitted: April 29, 2003

Decided: May 21, 2003

Before NIEMEYER and KING, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Patricia Siemiontkowski, Kintnersville, Pennsylvania, for Appellant.  
Traci L. Burch, Elizabeth Torphy-Donzella, SHAWE & ROSEN-  
THAL, L.L.P., Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

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### OPINION

PER CURIAM:

Joan M. Cassidy appeals the district court's order granting summary judgment in favor of her former employer, Greenhorne & O'Mara, Inc., on her claims of sex and age discrimination under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A. §§ 2000e to 2000e-17 (West 1994 & Supp. 2002) and the Age Discrimination in Employment Act (ADEA), 29 U.S.C.A. §§ 621-634 (West 1999 & Supp. 2002). We affirm.

We have reviewed the parties' briefs, the joint appendix and the district court's order. We conclude the district court properly determined the Settlement Agreement and General Release Cassidy executed satisfied the requirements of the Older Workers Benefits Protection Act (OWBPA), 29 U.S.C. § 626(f) (2000), and therefore she waived her rights under the ADEA. *See Ourbe v. Entergy Operations, Inc.*, 522 U.S. 422, 427 (1998). We also conclude the district court properly determined, based on the totality of the circumstances, that Cassidy knowingly and voluntarily waived her rights under Title VII. *See Melanson v. Browning-Ferris Indus., Inc.*, 281 F.3d 272, 276 & n.4 (1st Cir. 2002). Because no evidence in the record suggests Cassidy's lay-off was due to a reduction in force, we find Cassidy's contention that Greenhorne was required to comply with 29 U.S.C. § 626(f)(1)(H) meritless. Accordingly, we affirm on the reasoning of the district court. *See Cassidy v. Greenhorne & O'Mara, Inc.*, No. CA-01-2150-PJM (D. Md. filed Aug. 6, 2002; entered Aug. 7, 2002). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

*AFFIRMED*