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United States Court of Appeals For the First Circuit

No. 04-1291

BLANCA GONZALEZ-MARIN, ET AL.,

Plaintiffs, Appellants,

v.

NEWARK PUBLIC SCHOOL/LEAT TEAM IV, CITY OF NEWARK, NEW JERSEY,

Defendants, Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

[Hon. Jaime Pieras, Jr., Senior U.S. District Judge]

Before

Torruella, Circuit Judge,
Campbell, Senior Circuit Judge,
and Selya, Circuit Judge.

Rafael A. Oliveras Lopez de Victoria on brief for appellants.
Cheryl L. Adams and Sills, Cummis, Epstein & Gross, P.C. on
brief for appellees.

October 1, 2004

Per Curiam. Appellants, Blanca Gonzalez Marin, Efrain Escobar Perez, and their conjugal partnership, appeal from the district court's dismissal of their complaint brought pursuant to the Age Discrimination in Employment Act (ADEA), 29 U.S.C. §§ 621-634, against appellees, Newark Public School/Leat Team IV, City of Newark.

After carefully considering the briefs and record on appeal, we affirm for substantially the reasons stated by the district court. Appellants failed to meet the ADEA's requirement that a civil action be brought against the respondent named in the charge within 90 days after the date of the receipt of notice from the Equal Employment Opportunity Commission that proceedings have been terminated. See 29 U.S.C. § 626(e). The arguments raised in appellants' brief that were not addressed in the district court's opinion and order are plainly lacking in merit or are forfeited because they were not raised squarely before the district court. See Teamsters Union v. Superline Transp. Co., 953 F.2d 17, 21 (1st Cir. 1992) (stating that "absent the most extraordinary circumstances, legal theories not raised squarely in the lower court cannot be broached for the first time on appeal").

Affirmed.