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WESTERN DISTRICT OF WASHINGTON DEPUTY

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

FRANK BONNIN,

Plaintiff,

v.

SMALLTOWNPAPERS, INC.,

Defendant.

NO. **C 08-1261 RAJ**

COMPLAINT AND DEMAND
FOR JURY TRIAL

Plaintiff Frank Bonnin ("Mr. Bonnin"), by the undersigned attorneys, makes the following averments:

1. This is a civil action brought pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301 - 4333 ("USERRA").

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 38 U.S.C. § 4323(b).

3. Venue is proper in this district under 38 U.S.C. § 4323(c)(2) because defendant SmallTownPapers, Inc. ("STP") maintains a place of business in this district. Additionally, venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to this action occurred in this district.



08-CV-01261-CMP

1 4. All statutory conditions precedent to the institution to this lawsuit have been fulfilled.

2 **PARTIES**

3 5. Mr. Bonnin resides in Port Orchard, Washington, which is within the jurisdiction of
4 this Court.
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6 6. STP maintains a place of business at 5026 California Avenue, Seattle, Washington
7 98136, which is within the jurisdiction of this Court.
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9 **CLAIM FOR RELIEF**

10 7. Mr. Bonnin was hired by STP in April 2005 as Director of Publisher Relations.

11 8. Mr. Bonnin is a reservist in the Air Force Reserve, and has continuously been a reservist in
12 the Air Force Reserve since 1991.

13 9. In late 2005, Mr. Bonnin informed the President of STP, Paul Jeffko ("Mr. Jeffko"), that he
14 wanted to apply for a Maintenance Officer position with the Air Force Reserve, and that the position
15 required him to take a leave of absence from STP in order to complete a mandatory five-week active duty
16 training course.
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18 10. Mr. Jeffko agreed that Mr. Bonnin could apply for the Maintenance Officer position
19 on the condition that Mr. Bonnin postpone the required active duty training course for as long as possible.

20 11. In November 2005, Mr. Jeffko applied for and received the position of Maintenance
21 Officer with the Air Force Reserve.
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23 12. In or about February 2006, Mr. Bonnin submitted an enrollment request for the active
24 duty training course to the Air Force Reserve.

25 13. In March 2006, Mr. Bonnin received military orders to attend the active duty training
26 course, with the training course to commence April 30, 2006.
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1 14. In March 2006, Mr. Bonnin notified Mr. Jeffko of his orders and requested leave to
2 attend the training course.

3 15. Upon receiving Mr. Bonnin's request to attend the training course, Mr. Jeffko asked
4 Mr. Bonnin to postpone the training.
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6 16. When Mr. Bonnin informed Mr. Jeffko that he could not postpone the training, Mr.
7 Jeffko issued Mr. Bonnin a letter, dated April 7, 2006, indicating that STP would have to hire a permanent
8 replacement for Mr. Bonnin; and Mr. Jeffko terminated Mr. Bonnin's employment with STP.

9 17. Mr. Bonnin's employment with STP ended on April 29, 2006, when he left for
10 military duty.
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12 18. On June 10, 2006, Mr. Bonnin contacted Mr. Jeffko to ask whether his position with
13 STP was still available.

14 19. On or about June 12, 2006, Mr. Jeffko sent Mr. Bonnin a letter indicating that there
15 were no employment opportunities for Mr. Bonnin at STP.
16

17 20. STP's decision to terminate Mr. Bonnin was motivated by Mr. Bonnin's military
18 service and was therefore in violation of USERRA, 38 U.S.C. § 4311.

19 21. STP's violation of USERRA was willful.

20 22. Bonnin has suffered a substantial loss of earnings and other benefits of employment
21 as a result of STP's violation of USERRA in an amount and of a nature to be proven at trial.
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PRAYER FOR RELIEF

WHEREFORE, Mr. Bonnin prays that the Court enter judgment against STP, its officers, agents, employees, successors, and all persons in active concert or participation with it, as follows:

23. Declare that STP's decision to terminate Mr. Bonnin was motivated by Mr. Bonnin's military service and was therefore unlawful and in violation of USERRA, 38 U.S.C. § 4311;

24. Require that STP fully comply with the provisions of USERRA by paying Mr. Bonnin all amounts due to him for loss of wages and loss of benefits caused by STP's violation of USERRA;

25. Enjoin STP from taking any action against Mr. Bonnin that fails to comply with the provisions of USERRA;

26. Declare that STP's violation of USERRA was willful;

27. Award Mr. Bonnin liquidated damages in an amount equal to the amount of lost wages and other benefits suffered by reason of STP's willful violation of USERRA, pursuant to USERRA, 38 U.S.C. § 4323(d)(1)(C);

28. Award Mr. Bonnin prejudgment interest in the amount of lost wages and other benefits found due; and

29. Grant such other and further relief as may be just and proper, together with the costs and disbursements of this lawsuit.

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JURY DEMAND

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2 Mr. Bonnin hereby demands a trial by jury of all issues so triable pursuant to USERRA, 38
3 U.S.C. § 4323(d)(1)(C).
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5 DATED this 22nd day of August, 2008.

6 GRACE CHUNG BECKER
7 Acting Assistant Attorney General
8 Civil Rights Division

9 s/ John M. Gadzichowski
10 JOHN M. GADZICHOWSKI (WI Bar No. 1014294)
11 Acting Chief

12 s/ Karen D. Woodard
13 KAREN D. WOODARD (MD Bar)
14 Deputy Chief
15 VARDA HUSSAIN (VA Bar No. 70132)
16 Trial Attorney
17 U.S. Department of Justice
18 Civil Rights Division
19 Employment Litigation Section
20 950 Pennsylvania Avenue, NW
21 Patrick Henry Building, Room 4038
22 Washington, DC 20530
23 Telephone: (202) 305-3925
24 Facsimile: (202) 514-1005

25 JEFFREY C. SULLIVAN
26 United States Attorney
27 Western District of Washington

28 s/ Brian C. Kipnis
BRIAN C. KIPNIS
Assistant United States Attorney
Western District of Washington
United States Attorney's Office
5220 United States Courthouse
700 Stewart Street
Seattle, WA 98101-1271
Telephone: (206) 553-7970
Facsimile: (206) 553-4073
E-mail: brian.kipnis@usdoj.gov