

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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U.S. DISTRICT COURT
INDIANAPOLIS

MATHEW B. JEFFRIES,

Plaintiff,

v.

MIKE NORRIS & ASSOCIATES, P.C.,

Defendant.

Civil Action No.

1:09-cv-0318WTL-DML

COMPLAINT

Plaintiff, Mathew B. Jeffries, by the undersigned attorneys, makes the following allegations:

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).

3. Venue is proper in this district under 38 U.S.C. § 4323(c)(2) because defendant, Mike Norris & Associates, P.C., maintains a place of business and is located in this judicial district. Additionally, venue is proper in this district under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims in this Complaint occurred in this district.

PARTIES

4. Plaintiff, Mathew B. Jeffries (“Jeffries”), resides in Mt. Vernon, Posey County, Indiana, within the jurisdiction of this Court.

5. Defendant, Mike Norris & Associates, P.C. (“Mike Norris & Associates”), is a law firm with several offices in the Indianapolis area. Mike Norris & Associates also is an employer within the meaning of 38 U.S.C. § 4303(4)(A).

CLAIM FOR RELIEF

6. At all times pertinent to this action, Jeffries has been, and continues to be, a member of the Indiana Army National Guard.

7. On or about November 13, 2003, Jeffries began his employment with Mike Norris & Associates as an attorney handling bankruptcy matters.

8. On or about February 13, 2003, the Indiana Army National Guard ordered Jeffries to report to active duty within the next three days. Jeffries timely informed his supervisor, Mike Norris, that he had been ordered to report to active duty.

9. Jeffries served on active duty for the Indiana Army National Guard, predominantly in Iraq, in Operation Enduring Freedom from February 15, 2003 to March 27, 2004. Jeffries received an honorable discharge.

10. By letter dated April 26, 2004, Jeffries informed Mike Norris & Associates that he had been released, and timely requested reemployment with the firm.

11. On or about April 30, 2004, Mike Norris & Associates informed Jeffries that it would not reemploy him.

12. On February 1, 2005, Jeffries filed a complaint under USERRA with the United States Department of Labor.

13. The United States Department of Labor's Veterans' Employment and Training Service ("VETS") conducted an investigation and the Department of Labor's Solicitor's Office concluded that Jeffries' claim had merit.

14. Mike Norris & Associates violated USERRA, 38 U.S.C. §§ 4312 and 4313, by failing to promptly reemploy Jeffries upon his return from military service.

15. Because of Mike Norris & Associates' failure to promptly reemploy Jeffries, Jeffries has suffered monetary damages, including lost benefits, in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Jeffries prays that the Court enter judgment against Mike Norris & Associates as follows:

A. Declare that the refusal of Mike Norris & Associates to promptly reemploy Jeffries violated USERRA, 38 U.S.C. §§ 4312 and 4313;

B. Order Mike Norris & Associates to fully comply with the provisions of USERRA by paying Jeffries all amounts due to him for his loss of wages, lost benefits and lost opportunities caused by Mike Norris & Associates' failure to comply with the provisions of USERRA;

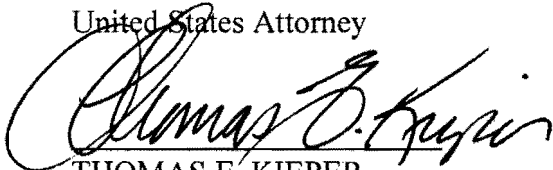
C. Enjoin Mike Norris & Associates from failing to comply in the future with all provisions of USERRA;

D. Award Jeffries prejudgment interest on the amount of lost wages and benefits found due; and

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

Respectfully submitted,



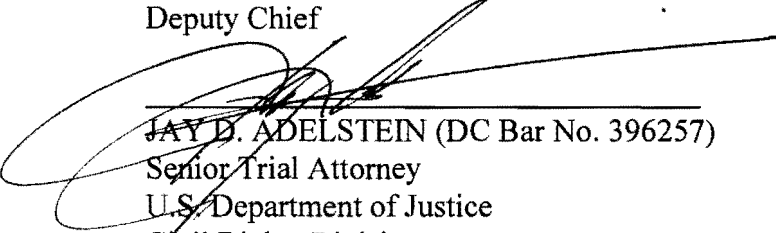
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