

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION at LEXINGTON  
No. 5:16-CV-\_\_\_\_\_

_____	)	
WIL JACKSON,	)	
	)	
Plaintiff	)	<b>Complaint</b>
	)	<b>Jury Trial Demanded</b>
vs.	)	
	)	
AULICK CHEMICAL SOLUTIONS,	)	
INC., a Kentucky Corporation,	)	
	)	
Defendant	)	
_____	)	

Plaintiff Wil Jackson for his complaint against defendant Aulick Chemical Solutions, Inc. states as follows:

I

**Nature of the Case**

1. This case arises from the wrongful termination of plaintiff's employment in violation of KRS 342.197. Plaintiff seeks recovery of lost pay and benefits, both past and future, compensatory damages, costs, and attorney's fees.

II

**Jurisdiction and Venue**

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332, because there is diversity of citizenship between the parties and because the amount in controversy exceeds the minimum necessary for this Court's jurisdiction. Venue is proper in the Eastern District of Kentucky

pursuant to 28 U.S.C. § 1391, because the claims arose in this judicial district.

### III

#### **Parties**

3. Wil Jackson (Jackson) is a citizen of the United States and a resident of the state of Tennessee.

4. Defendant Aulick Chemical Solutions, Inc. (Aulick), is a Kentucky corporation whose principal place of business, according to the records of the Kentucky Secretary of State, is 111 Patton Court, Nicholasville, KY 40356. Its agent for service of process is Timothy Aulick at that same address.

### IV

#### **Facts Giving Rise to the Lawsuit**

5. Jackson, at all times pertinent hereto, was employed by defendant Aulick.

6. During most of the time he was employed by Aulick, Jackson worked in a sales and service position for it.

7. At all times pertinent hereto, Jackson performed his job duties for Aulick consistent with its reasonable expectations.

8. On or about June 23, 2016, Jackson sustained an injury from a fall at an Aulick company event. Jackson's fall was witnessed by two of Aulick's principals, Tim Aulick and Troy Taubert.

9. On or about July 17, 2016, Jackson sought medical treatment because of continuing at time debilitating pain caused by the fall at the Aulick company event described above.

10. On or about July 22, 2016, Tim Aulick urged Jackson to forego filing of a workers compensation claim related to his injuries sustained at the Aulick company event described above. Tim Aulick informed Jackson that his medical bills etc. would be paid by Aulick outside its workers compensation insurance coverage and Jackson's claim.

11. On July 27, 2016, Tim Aulick again telephoned Jackson, expressed his view that Jackson did not know what he was doing by filing a workers compensation claim and stated further that Jackson would regret filing a workers compensation claim.

12. On August 1, 2016, Aulick terminated Jackson's employment.

13. At the time he was informed his employment was being terminated, Jackson was also informed by Tim Aulick that the reason for his termination was because Jackson was responsible for Aulick's loss of the Clinton (Tennessee) Utilities Board as a customer for Aulick.

14. Jackson was not responsible for Aulick's loss of the Clinton Utilities Board as a customer.

15. Aulick's assertion that Jackson was responsible for its loss of the Clinton Utilities Board as a customer is false and untrue.

16. Aulick's assertion that Jackson was responsible for its loss of the Clinton Utilities Board as a customer was offered as a pretext and attempt to obscure its true and unlawful reason for terminating Jackson's employment.

17. A substantial and motivating factor but for which Jackson would not have been terminated was his pursuit of benefits under the Kentucky workers compensation law, KRS Chapter 342.

18. As a direct and proximate result of the unlawful termination of his employment, Jackson has suffered loss of wages, past and future, other injuries including embarrassment and humiliation, emotional distress, and mental anguish.

## **V**

### **Causes of Action**

#### **Count I – Discharge In Violation of KRS 342.197**

19. Jackson incorporates paragraphs 1-18 hereof as if incorporated fully herein.

20. A substantial and motivating factor but for which Jackson's employment would not have been terminated was his pursuit of benefits under the Kentucky workers compensation law, KRS Chapter 342.

21. Jackson's termination of employment violated KRS 342.197.

## **VI**

### **Demand for Relief**

WHEREFORE, Jackson demands judgment against Aulick as follows:

(1) Entry of a judgment awarding him lost pay and benefits, past and future, in such amount as proved by the evidence at trial and found by the jury;

(2) Entry of a judgment awarding him compensatory damages for his injuries, past, present, and future, arising from the wrongful termination of his employment;

(3) Awarding him costs, expenses, and attorney's fees incurred herein pursuant to KRS 342.197 and Fed.R.Civ.Pro. 54; and,

(4) Granting him all other relief to which he is entitled.

**Demand For Trial By Jury**

Pursuant to Fed.R.Civ.Pro. 38, Jackson demands trial by jury on all issues herein so triable.

Respectfully submitted,

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