

STATE OF WISCONSIN CIRCUIT COURT MARATHON COUNTY

ETHAN S [REDACTED],
[REDACTED]
Wausau, WI 54401

Civil Action No.

Plaintiff

v.

KOLBE & KOLBE MILLWORK CO., INC.,
1323 S. Eleventh Ave.
Wausau, WI 54401

Case Classification 30106 – Intentional Tort

Defendant

COMPLAINT

1. This is a complaint for violating Wis.Stats. § 175.60(15m)(b). Plaintiff seeks damages, declaratory, and injunctive relief.
2. Plaintiff Ethan S [REDACTED] is a natural person who resides at [REDACTED] [REDACTED]; Wausau, WI 54401
3. Defendant Kolbe & Kolbe Millwork Co., Inc. (“Kolbe”) is a business corporation organized under the laws of the State of Wisconsin.
4. Kolbe’s principal place of business is 1323 S. Eleventh Avenue in Wausau, Marathon County, Wisconsin 54401.
5. At the time of the incidents giving rise to this Complaint, S [REDACTED] was an employee of Kolbe.

6. On or about March 28, 2014, Vicki Derlein from Defendant's human resources department asked S [REDACTED] if S [REDACTED] had a concealed firearms license and if Shepherd had a firearm in his vehicle.
7. S [REDACTED] responded that those were personal questions, but that the answer to both questions was yes.
8. Derlein then inquired if S [REDACTED] had shown anyone at work his firearm.
9. S [REDACTED] responded that he had shown his firearm to a coworker, after work, and within the confines of S [REDACTED]'s automobile.
10. Derlein then told S [REDACTED] that having a firearm at work was strictly against Kolbe policy.
11. Derlein terminated S [REDACTED]'s employment for that policy violation.

Count 1 – Violation of Wis.Stats. § 175.60(15m)(b)

12. Wis.Stats. § 175.60(15m)(b) provides, “An employer may not prohibit a licensee or an out-of-state licensee, as a condition of employment, from carrying a concealed weapon, a particular type of concealed weapon, or ammunition or from storing a weapon, a particular type of weapon, or ammunition in the licensee's or out-of-state licensee's own motor vehicle, regardless of whether the motor vehicle is used in the course of employment or whether the motor vehicle is driven or parked on property used by the employer.”

13. By terminating S [REDACTED]'s employment on account of S [REDACTED]'s possession of a firearm in S [REDACTED]'s personally owned vehicle, Kolbe violated Wis.Stats. § 175.60 (15m)(b).
- 14.S [REDACTED] has suffered the loss of income and other damages on account of Kolbe's termination of him.

Prayer for Relief

Plaintiff demands the following relief:

15. Reinstate of employment with back pay.
16. A declaration that Kolbe may not take a negative job action against a person possessing a concealed weapons license when that person keeps a firearm in his personally owned vehicle, even on Kolbe property.
- 17.An injunction prohibiting Kolbe from taking further negative job actions against S [REDACTED] for S [REDACTED]'s possession of a firearm in his personally-owned vehicle, even on Kolbe property.
18. Any other relief the Court deems proper.

John R. Monroe
Attorney for Plaintiff
9640 Coleman Road
Roswell, GA 30075
678 362 7650
770 552 9318 (fax)
State Bar No. 01021542