

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JOHN WETHERILL,	)	
	)	
Plaintiff,	)	
v.	)	CAUSE NO: 1:17-cv-809
	)	
INDIANA SYMPHONY SOCIETY, INC.,	)	
	)	
Defendant.	)	

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff John Wetherill (“Plaintiff”), by counsel, for his complaint against Defendant Indiana Symphony Society, Inc. (the “Symphony Society”), states as follows:

**JURISDICTION AND VENUE**

1. This action seeks redress for the violation of rights guaranteed to Plaintiff by the Age Discrimination in Employment Act (“ADEA”), as amended, 29 U.S.C.A. §§ 621 et seq. Plaintiff seeks damages and other relief to redress the Symphony Society’s discriminatory employment practices and retaliation.

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C.A § 1331 and 1343(a)(3) and (4) to secure protection and redress deprivation of rights secured by 29 U.S.C.A §§ 626(e); 621 et seq.

**PARTIES**

3. All acts alleged herein were committed within the Southern District of Indiana and venue is proper within this District and Division under 28 U.S.C.A. §1391(b)(1) and (2).

4. Plaintiff is a citizen of the United States who resides in Fishers, Hamilton County, Indiana.

5. Defendant Symphony Society is a corporation properly recognized and sanctioned by the laws of the State of Indiana. At all times relevant to this Complaint, Symphony Society has conducted, and continues to conduct, business in the State of Indiana. Symphony Society is an employer for the purposes of 29 U.S.C.A. § 630(b). It employs the musicians comprising the Indianapolis Symphony Orchestra (“ISO”) and the management and staff related to the operations of the ISO.

#### FACTS

6. Plaintiff filed a Charge of Discrimination against Symphony Society with the Equal Employment Opportunity Commission (“EEOC”) on October 29, 2015, and filed a supplemental charge for discrimination and for retaliation on March 9, 2016. The EEOC issued Plaintiff a Notice of Right to Sue on both Charges on December 16, 2016, which Plaintiff received by U.S. Mail on December 19, 2016. The Notice of Right to Sue entitles Plaintiff to initiate a civil action in the appropriate forum within 90 days of the receipt of the Notice. Plaintiff has initiated this action within such 90-day period.

7. In about September 2011, Symphony Society hired as its new artistic director and conductor, Krzysztof Urbanski (hereafter by name or “Conductor”).

8. The primary face of the unlawful conduct is Krzysztof Urbanski, who is present and active during about eleven (11) weeks of each symphony season, generally occurring between mid-September through late-June of each season.

9. Plaintiff is a 62 year old musician. His instrument is the bassoon, and he has been employed by the Symphony Society as an ISO musician for 27 years, since 1989.

10. Plaintiff is a tenured musician under the Symphony Society collective bargaining agreement with its ISO musician employees. Plaintiff has been the Principal bassoon since he

won an audition in 2000, and he has therefore been the first chair bassoon and Principal for 17 years, and receives extra compensation for being a Principal, in addition to receiving seniority pay.

11. In May 2012, twelve years after Plaintiff became Principal bassoon, Krzysztof Urbanski “invited” Plaintiff and seven (7) or more musicians all over 40 years old (all of whom are also over 45 years of age), to meet with him. Such meetings were one at a time, were private and were solicited by a polite handwritten invitation note to each person from the Conductor’s assistant. At the time, Plaintiff and other such older musicians did not know that similar other invitations and meetings were in process. Upon information and belief, each meeting was substantially similar. The meetings were part of a plan that was commenced in about May 2012, and carried forth by the Conductor continuously thereafter, to move out older musicians and replace them with younger musicians (the “move out and replace” plan).

12. Plaintiff went to the Conductor to inquire about the meeting, and Conductor Urbanski said, in a cheerful, friendly tone “two to three minutes tops, no big deal” in a friendly manner. When Plaintiff entered the room, then General Manager Ramsey was present to take notes. The Conductor started the meeting by criticizing Plaintiff about two notes played months earlier. Plaintiff was surprised because Plaintiff corrected the notes according to Conductor’s specification at the time, after which Conductor was satisfied. Plaintiff asked Conductor if there were any other concerns, Conductor responded, “you may assume that if I don’t make a comment at the time, there is no problem.” The Conductor then asked questions about other musicians, and was threatening toward the Plaintiff. The union contract requires advance notice of the nature and purpose of meetings with management and superiors, and requires that the employee (such as Plaintiff and the other older musicians) be able to have an orchestra committee member musician

present to witness. Plaintiff and the other older members were denied such right by the “friendly” invite, and were effectively duped and ambushed by their new 31 year old Conductor.

13. In October 2013, Symphony Society again expressed its age discriminatory intentions toward Plaintiff. Symphony Society, without just reason. Vice-President and General Manager, Daniel Beckley, requested to meet with Plaintiff, and in such meeting suggested to Plaintiff that he move down to second chair in order to nurture a younger player into the principal chair. He also told Plaintiff that this was the way it was done in Europe: that the older musicians step down to nurture the younger musicians into the principal chair. This suggestion was coupled with a remark from Personnel Manager Blake Schlabach, that non-renewal notices were to go out November 1, which suggested a risk that Plaintiff would receive a non-renewal notice. Krzysztof Urbanski lived, still lives, and commenced his training and career in Europe. Although Plaintiff rejected the suggestion, Mr. Beckley attempted to push forward with it and to set another meeting with Plaintiff and the Conductor to discuss the so called “opportunity” to move down.

14. Plaintiff complained of age discrimination via October 4, 2013 and October 10, 2013 emails to General Manager Daniel Beckley.

15. Since the 2012 older musician meetings and since the 2013 request to move down, Defendant has continued to and has increasingly created a discriminatory work environment for Plaintiff resulting in a deterioration of the terms and conditions of his employment as compared to his younger coworkers, as a part of carrying out a plan to move out and replace the older musicians with younger musicians.

16. New musicians do not receive seniority pay, nor do they receive pension participation benefits. Thus the Defendant is economically benefitted by moving out older musicians and bring in younger musicians below the protected age of 40.

17. The Conductor was absent from the ISO each year from about late-June through about mid-September, on other commitments, and was also regularly absent for about half of the weeks during the regular season which runs mid-September through late June. During the times of Urbanski's absence guest conductors and guest performers frequently praised Plaintiff's performance, and the "move out and replace" plan was in some quiescence during such periods of the Conductor's absence.

18. Via a February 6, 2014 email to General Manager Daniel Beckley, Plaintiff again complained of continuing age discrimination and retaliation, by harassment and humiliation of Plaintiff in February 2014.

19. Despite Plaintiff's complaints in 2013 and 2014 to Daniel Beckley, the Symphony Society took no substantive action to rectify the discriminatory environment, and instead began to retaliate against Plaintiff for his complaints by increasing the level of hostility and humiliating conduct toward Plaintiff.

20. Plaintiff has been systemically harassed verbally, by gestures and otherwise by Krzysztof Urbanski due to the Conductor's desire to eliminate or downgrade the older musicians from the symphony, in order to replace them with younger musicians. Over a period of about four years or more, the Conductor's behavior towards Plaintiff has been continuously threatening, humiliating, and publicly disrespectful and harassing, despite the repeated requests to cease the discriminatory conduct. The Conductor and the Symphony Society have relentlessly set out to harass Plaintiff, as an older player, to create an environment that burdens and stresses Plaintiff in the performance of his job, in order to carry out the continuing plan to push out older musicians and replace them with younger musicians below the protected age of 40.

21. Conductor Urbanski routinely and continuously has displayed favoritism toward the younger orchestra musicians and he behaves very disrespectfully to the older members of the orchestra (40 and older; all of whom were also over 45).

22. The Symphony Society was well aware of the age discriminating conduct and of the prior complaints of Plaintiff. On about December 17, 2014, Gary Ginstling, Symphony Society Executive Director, invited Plaintiff to coffee to talk. Mr. Ginstling was aware of Plaintiff's age related complaints and concerns about the Conductor and General Manager. Mr. Ginstling told Plaintiff at such meeting that he took full responsibility for such conduct, and that the Symphony Society has a young music director and a young general manager, and admitted that things were done wrongly by them.

23. However, the Symphony Society failed or refused to stop the continuing unlawful age discriminatory conduct and retaliatory conduct.

24. The Symphony Society and its representatives have discriminated against Plaintiff on the basis of his age by holding him to a higher standard in the terms and conditions of his employment than similarly situated younger musicians (under 40 years).

25. The Conductor has intimidated and has covertly and publicly undermined Plaintiff, based on Plaintiff's age and based on the Conductor's preference and plan to replace Plaintiff and other older players with younger musicians. Various of the incidents have been witnessed by Symphony Society management and its representatives, and at times participated in by them.

26. The Symphony Society has been notified of this discriminatory conduct with no result other than continuing and enhanced harassment and retaliation against Plaintiff throughout the 2015 and 2016 season, primarily while the Conductor was present, in Indianapolis.

27. The Symphony Society and its management are complicit in, foster and support the discriminatory actions and behaviors, including those of Krzysztof Urbanski.

28. Upon the Conductor's seasonal return to conduct the ISO in September 2015, he immediately reconvened his humiliating tactics toward Plaintiff.

29. On about February 3-7, 2015, the Conductor created unusual stress and unnecessary confusion for Plaintiff. Urbanski changed what he wanted Plaintiff to do in a Shostakovich 7 solo from one day to the next. First, Plaintiff asked Urbanski to conduct him (alone) and Plaintiff followed, Urbanski liked it. The next day Urbanski again changed what he wanted from Plaintiff. On Saturday, February 7, in the Carmel venue, Urbanski gave Plaintiff several different and new directions at the end of the sound check prior to the concert commencement, without a chance for Plaintiff to rehearse.

30. On about February 6, 2015, the Conductor made a surprise orchestra demo request for Plaintiff at the beginning of the concert, for the audience. Plaintiff, without any prior notification, suddenly had to play the solo alone, before the audience, with no warning, even though the solo requires a certain reed (different from other parts of the same piece); however, Plaintiff fortunately had the correct reed and avoided a public humiliation in front of the Hilbert Circle audience. All of such actions from February 3-7, 2015, were intended to make Plaintiff's performances more difficult as a formula to create stress and enhance the chances for his potential failure during the concert.

31. On about September 18, 2015, during rehearsal Conductor Urbanski repeatedly pulled on his ear, made pained facial expressions and loudly stated "John, please correct the intonation." Plaintiff's colleagues stated privately that his intonation was fine. When Plaintiff

asked the Conductor if a particular note was out of tune, the Conductor replied the Conductor “wasn’t listening.”

32. On or about September 25, 2015, Plaintiff provided Conductor Urbanski with information from Plaintiff’s electronic tuner to help address a woodwind section chord for which the Conductor was addressing detailed criticism toward Plaintiff. Plaintiff used an electronic tuner during rehearsal to verify note accuracy of his instrument. A tuner is a tool used to check the accuracy of the music notes played by the musician. There was no policy or contract term in existence at the time prohibiting or even discouraging the use of an electronic tuner at rehearsal, and the use of such a tool was common in the industry and among Symphony Society musicians.

33. After Plaintiff addressed the chord issue to the Conductor he was then later that day publicly called out by the Symphony Society management in person, while on stage to “come with” management, and then physically escorted to a meeting with the Conductor and management, all in an unprecedented, public and humiliating manner in front of his colleagues at a rehearsal.

34. At the September 25, 2015 meeting that followed the “escorting” of Plaintiff from the stage, Krzysztof Urbanski stated to Plaintiff in the presence of Symphony Society management that he was the “head of this institution,” The action of calling Plaintiff out in front of his peers to be ushered to such a “meeting” was unprecedented in the 28 years that Plaintiff had been a musician employee of Symphony Society, in his 40 years as a musician, and was a public humiliation of the Plaintiff based on his age and the “move out and replace” plan.

35. On the next day, September 26, 2015, the 2<sup>nd</sup> flutist (also a member of the woodwind section) had brand new music, changed from the prior day of September 25<sup>th</sup>, with one note changed in the chord from the preceding September 25<sup>th</sup> incident where Plaintiff was being

criticized as the problem. In fact, the wrong note in the original flute part was the problem, and the Conductor changed the flute note before the next day's rehearsal without explanation, attribution or correction of Conductor's prior unfounded criticism of Plaintiff on September 25, 2015.

36. A September 26, 2015 email from General Manager Danny Beckley addressed to CEO Ginstling addressed the September 25<sup>th</sup> occurrence. The email falsely stated that Plaintiff and another older musician had objected to having a sectional practice under circumstances suggested by Conductor Urbanski on September 25, 2015; however, the entire section discussed that it was a violation of procedure under the contract, and there was no particular person that "objected" or refused. Such criticism toward Plaintiff and the other older musician was designed as a negative personnel comment calculated to harm the older musicians' reputations and status with the Symphony Society and to further the Defendant's plan to oust and replace the older musicians.

37. The September 26, 2015 Beckley email misstates facts and also falsely altered certain of the Conductor's words in order to attempt to protect the Defendant.

38. On about October 1, 2015, Symphony Society engaged in unjustified and unprecedented discipline by suspending Plaintiff for two weeks without pay, for the purported reason of using an electronic tuner at rehearsal and informing the Conductor of the accuracy of the note via the tuner.

39. The Symphony Society has also allowed one or more of Krzysztof Urbanski's younger orchestra friend(s) to harass Plaintiff and other older musicians in the period of 2015 and 2016 within and outside the workplace, without any apparent discipline to them whatsoever.

40. Plaintiff has performed to Symphony Society's reasonable standards of satisfaction at all times material to this Complaint, as evidenced by, without limitation, Plaintiff's longevity of employment, granting of tenure as both second bassoon and as Principal status, bonuses, and raises.

41. The younger musicians (below the protected age) have never been treated, harassed or humiliated, in these ways, or in any manner similar to the treatment of Plaintiff and other older musicians.

42. On October 29, 2015, Plaintiff filed his first Charge of age discrimination for the systemic harassment, verbally and otherwise, by the Conductor due to his desire to eliminate the older musicians from the symphony, or downgrade them; and who routinely displays favoritism to the younger musicians, while intimidating and harassing Plaintiff and other older musicians.

43. Following the October 29, 2015 Charge of Discrimination, Plaintiff continued to be subjected to discrimination and harassment based upon his age. Plaintiff has suffered retaliation for his complaints, and retaliation for filing his October 29<sup>th</sup> EEOC Charge. Krzysztof Urbanski has been hypercritical of Plaintiff in front of the entire orchestra on repeated occasions during 2015 and 2016, and such behavior by the Conductor escalated after the October 29, 2015 filing of Plaintiff's EEOC Charge, and after the filing of the March 9, 2016 retaliation charge. Significantly, the younger musicians similarly situated have been treated more favorably and have never been singled out for such criticism, harassment and humiliation.

44. In fact, the Symphony Society's suspension of Plaintiff was in support of the long standing desire and intent to harass, intimidate, humiliate, demean and otherwise force the departure or demotion of musicians over the age of 40 years (all of whom are also over 45), and replace them with younger musicians.

45. Any reasons proffered by Symphony Society for the suspension of Plaintiff's employment and the treatment of Plaintiff during 2015 and 2016 are pretext for retaliating against Plaintiff because of his past complaints of age discrimination, and for his refusal to voluntarily move down. The suspension was in pursuit of Symphony Society's plan carried forth by Krzysztof Urbanski continuously through and including the Conductor's actions and conduct in 2015 and in 2016, as part of the "move out and replace" plan.

46. Plaintiff's independent reviews were excellent at all relevant times, including in the period of 2015 and 2016; such as by Jay Harvey, a performing arts critic, in the Harvey Upstage review of February 21, 2015 which stated that the "duetting clarinets and bassoons in the [In Rapsodie espagnole] were delectable ....". As well as the Harvey Upstage review of January 30, 2016, which states "At the end, two principals got well-deserved solo bows; flutist ..., and bassoonist John Wetherill."

47. Leading up to and as the age discriminatory and retaliation conduct continued to occur in 2015 and 2016, the Symphony Society well knew of the Plaintiff's outstanding ability and reputation as an outstanding musician in the community and industry while it also knew of and permitted the unlawful age discriminating conduct to continue. For instance, on about April 15, 2015, Plaintiff played at donor event at the request of the C.E.O. Gary Ginstling. Ginstling explained to donor prospects that Plaintiff was an example of why people should contribute money to the Indianapolis Symphony. Ginstling pointed out how lucky "we are to have that sound in the middle of our orchestra."

48. On or about November 5, 2015, at a rehearsal, Conductor Urbanski, in a loud and angry manner, told Plaintiff his E flat was "very sharp", and then the Conductor repeated his loud angry "very sharp" statement to Plaintiff several times during the rehearsal. Plaintiff's colleagues

stated privately that it appeared that Conductor Urbanski was trying to bait him, because his note was correct.

49. On November 10 and 11, 2015, Conductor Urbanski repeatedly and loudly stated “bassoon – you’re out of tune”; so Plaintiff stopped playing two different times but pretended to play (with hands/fingers/bassoon) and the Conductor continued loudly repeating that Plaintiff was “out of tune”, even when Plaintiff’s instrument was silent.

50. In November 2015, Conductor Urbanski came to Plaintiff after a rehearsal and told him “to please not make that ugly sound”. Commenting on the Conductor’s remarks another younger musician expressed to Plaintiff that it was amazing that the Conductor “knows exactly what to say to make it as hard as possible to play the bassoon.”

51. On June 1, 2016, Conductor Urbanski told Plaintiff to play the Tchaikovsky 4 solo “much softer” and contrary to the composer’s instructions to play expressively. However, the Conductor offered a younger player to play louder when she had similar solos and struggled to play them that softly.

52. Upon information and belief, Urbanski has had his wife join him in a private musician meeting in about June 2015 for criticism of, and an improper procedural attempt to harass, humiliate and intimidate, another older (over 40, also over the age of 45) French horn musician; and the Conductor held another 2016 meeting issuing criticism through an improper procedure against another older musician in a similar attempt to harass, humiliate and intimidate another older player. Both meetings were without prior warning of the purpose of such meeting and without the opportunity for a witness, as required by contractual terms of employment. No such threatening conduct has occurred with younger musicians.

53. Upon information and belief, a number of older musicians resigned during the period from late 2012 and thereafter, as a result of Urbanski's "move out and replace" plan and action.

54. The Symphony Society's conduct was severe, frequent, threatening, humiliating and unreasonably interfered with Plaintiff's work.

55. The Symphony Society's conduct was both objectively and subjectively offensive, was retaliation for protected conduct, and was visited only on older musicians such as Plaintiff.

56. As a direct and proximate result of Symphony Society's unlawful discrimination, suspension of Plaintiff's employment, and retaliation, Plaintiff has suffered actual loss of his salary, as well as emotional harm, pain and suffering, and physical ramifications due to the unusual stress resulting from Symphony Society's conduct and treatment of Plaintiff, and for continuing retaliation against Plaintiff.

57. Plaintiff has been required to hire counsel to represent him in this matter.

Count I.

ADEA – AGE DISCRIMINATION

58. Paragraphs 1 through 57 are incorporated by reference as if fully set out here.

59. Krzysztof Urbanski has continually criticized, harassed, humiliated, and demeaned Plaintiff in a manner not visited upon his similarly situated younger coworker musicians.

60. Over the course of his employment at the Symphony Society, Plaintiff has met or exceeded the Symphony Society's reasonable expectations.

61. Any reasons proffered by Symphony Society for suspending Plaintiff's employment or for the justification of the behavior and reprisals by Krzysztof Urbanski continuously through 2015 and 2016 are pretext for discriminating against Plaintiff on the basis of his age.

62. These acts and omissions of Symphony Society constitute unlawful and willful discrimination against Plaintiff on the basis of his age, in violation of the Age Discrimination in Employment Act, as amended, 29 U.S.C.A. §§ 621 et seq.

63. As a direct and proximate result of the above alleged willful and reckless acts or omissions of Symphony Society, Plaintiff has suffered injury, including, but not limited to, lost wages.

DEMAND FOR RELIEF

THEREFORE, Plaintiff John Wetherill requests judgment against Symphony Society and respectfully requests that this court:

- A. Award Plaintiff his back pay for lost wages as a result of his wrongful suspension in the amount to be determined against Defendant;
- B. Order Defendant to pay liquidated damages to John Wetherill in an amount equal to Defendant's lost earnings because Defendant's violation of the ADEA was willful;
- C. Award Plaintiff his attorney's fees, costs, and expenses of this action; and
- D. Grant Plaintiff such further relief as the court deems just and proper.

COUNT II.  
ADEA – RETALIATION

64. Paragraphs 1 through 63 are incorporated by reference as if fully set out here.

65. Beginning May 18, 2012, and continuing thereafter at virtually all times that Krzysztof Urbanski was present to conduct in Indianapolis, including in 2015 and 2016, Symphony Society discriminated against Plaintiff on the basis of his age by holding him to a higher than reasonable standard in the terms and conditions of his employment than his similarly situated younger coworkers.

66. The harassing, demeaning, humiliating, and discriminatory behavior not only continued from May 16, 2012 but escalated during 2015 and 2016, as Plaintiff stood by his declination to move down and be replaced by a “younger” musician, Plaintiff continued to weather execution of the “move out and replace” plan, including the continuous and frequent aggressions toward him during rehearsals, prior to concerts and by October 1, 2015 and continuously through 2016, by Krzysztof Urbanski and the Symphony Society.

67. Plaintiff engaged in statutorily protected conduct under the Age Discrimination in Employment Act based on his opposition to and reporting of Defendant’s discriminatory conduct directed against him because of his age to Defendant representatives, and based on his filing of the October 29, 2015 EEOC Charge, and for his filing of the March 9, 2016 Retaliation Charge.

68. Despite Plaintiff’s complaints, Defendant took no substantive action to rectify the discriminatory environment, and retaliatory conduct.

69. Following Plaintiff’s filing of the EEOC Charges, the Conductor continued and even increased the frequency and level of humiliating statements and gestures as retaliation against Plaintiff for his protected activity, and continued such harassment through the end of 2015, and in 2016 even after Plaintiff filed his March 9, 2016 charge for retaliation, and through 2016.

70. Defendant humiliated and criticized Plaintiff in a manner not afforded to his similarly situated coworkers who did not engage in statutorily protected activity.

71. Any reasons proffered by Defendant for suspending Plaintiff’s employment and for the continuing relentless harsh and humiliating criticism of Plaintiff in 2015 and 2016, including after the filing of the EEOC Charges are pretext for retaliating against Plaintiff because of his complaints of age discrimination.

72. These acts and omissions of Defendant constitute retaliation against Plaintiff based on his opposition to the move out and replace plan and the creation of a discriminatory work environment, in violation of the provisions of the ADEA, as amended, 29 U.S.C.A. §§ 621 et seq.

73. As a direct and proximate result of the above alleged willful and reckless acts or omissions of Defendant, Plaintiff has suffered injury, including, but not limited to, lost and foregone wages, physical and emotional harm including extreme stress, mental anguish, depression, sleeplessness, dizziness, and gastrointestinal symptoms, among other physical and mental symptoms, and incurring of medical, health and medication expenses.

74. Punitive damages should be awarded to Plaintiff to punish the Defendant for its conduct and to serve as an example and warning to Defendant, Conductor Urbanski and others not to engage in similar conduct in the future.

75. The conduct of Defendant's managerial employees and the Conductor was in reckless disregard of Plaintiff's rights. Such actions occurred with the knowledge that it may violate Plaintiff's rights under the law with regard to age discrimination and retaliation.

76. Defendant's managerial employees and Conductor Urbanski acted within the scope of their employment and in reckless disregard of Plaintiff's right not to be discriminated against for reasons of age and not to be retaliated against for the Plaintiff's exercise of his legal rights. The Defendant Symphony Society gave its authority, support and discretion to Conductor Urbanski, General Manager Beckley, and others in carrying out their job duties in the manner which violated Plaintiff's lawful rights against age discrimination and retaliation.

77. Punitive damages should be awarded in an amount sufficient to punish the Defendant for the reprehensibility of Defendant's conduct, for the impact of such conduct on Plaintiff, and to reduce the likelihood that Defendant will repeat such conduct.

DEMAND FOR RELIEF

THEREFORE, Plaintiff John Wetherill requests judgment against Defendant and respectfully requests that this court enter judgment for Plaintiff and against Defendant and

- A. Order Defendant to pay lost wages and prejudgment interest to John Wetherill;
- B. Grant Plaintiff actual, consequential, compensatory damages, including for his emotional distress, mental anguish and all ramifications thereof, and punitive damages in an appropriate amount against Defendant;
- C. Grant Plaintiff his attorney's fees, costs, and expenses for this action; and
- D. Grant Plaintiff such further relief as the court deems just and proper.

JURY DEMAND

Plaintiff requests a jury trial on all issues of fact and law raised by the allegations in this complaint.

Respectfully submitted,

s/ David E. Wright

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