

IN THE DISTRICT COURT OF WASHINGTON COUNTY, NEBRASKA

JOEL JORGENSEN,	)	CASE NO. _____
Plaintiff,	)	
	)	
v.	)	COMPLAINT
	)	
COUNTRY TIRE, INC.	)	
Defendant.	)	

Comes Now, Joel Jorgensen, Plaintiff, for his Complaint and alleges as follows:

1. Plaintiff is a resident of Washington County, Nebraska.
2. Defendant is a Nebraska Corporation with its principal place of business in Blair, Washington County, Nebraska.
3. Venue is proper in Washington County, Nebraska because the cause of action arose in Washington County, Nebraska.
4. This action is brought pursuant to the Nebraska Wage Payment and Collection Act.
5. Plaintiff has been an employee of Defendant during the years of 2016, 2017 and 2018, as a store supervisor.
6. Plaintiff and Defendant had a verbal agreement where Defendant agreed to pay Plaintiff a bonus equal to 10% of the increase of the Defendant's monthly sales from the same month in the previous year.
7. Plaintiff and Defendant had a verbal agreement where Defendant agreed to pay Plaintiff the fringe benefit of paid time off.
8. The Plaintiff has earned a bonus in an amount to be proved at trial.
9. Plaintiff has earned and accrued 17 days of paid time off that has not been used, with a total value of \$4,763.40.

10. The Defendant has willfully refused to provide Plaintiff with a periodic accounting of outstanding commissions and the documentation necessary to calculate the bonus.

11. The Defendant has willfully refused to pay Plaintiff the agreed upon bonus.

12. The Plaintiff has suffered damages in an amount to be proved at trial as a result of Defendant failing to pay the earned bonus.

13. The Plaintiff has suffered damages in the amount of \$4,763.40 as the result of Defendant refusing to pay Defendant accrued and unused paid time off.

14. The plaintiff has incurred costs and attorney's fees in the pursuit of this action in an amount to be proved at trial.

Wherefore the Plaintiff prays for judgment in its favor and against Defendant in the amount of the unpaid bonus, plus \$4,763.40, Plaintiff's costs and statutory attorney fees, the additional recovery pursuant to Neb. Rev. Stat. § 48-1232, and for such other relief as the Court deems just and equitable.

Dated: 2/16/18

JOEL JORGENSEN, Plaintiff:

By: 

David V. Drew, (#23153)  
Drew Law Firm P.C., LLO  
P. O. Box 462 – 1612 Lincoln St.  
Blair, Nebraska 68008  
(402) 426-2636  
drewlawfirm@drewlawfirm.net

EXHIBIT A  
Sample Calculation of Legal Fees and Expenses

Example 1

For this example assume the following recovery and out of pocket costs:

Recovery:	\$6,000.00
Filing Fees:	\$ 100.00
Expert Witness Fees	\$ 500.00
Deposition Fees	\$ 400.00

The legal fees and expenses in this example would be paid as follows:

1. Client pays all expenses when invoiced, totaling \$1,000.00.
2. Attorney's fees calculated at the time of recovery at 33% totaling \$1,980.
3. Client receives \$4,020 from recovery; however, since client has already paid \$1,000.00 for expenses his net recovery from the lawsuit is \$3,020.00.

Example 2

For this example assume the following recovery and out of pocket costs:

Recovery:	\$ 0.00
Filing Fees:	\$ 100.00
Expert Witness Fees	\$ 500.00
Deposition Fees	\$ 400.00

The legal fees and expenses in this example would be paid as follows:

1. Client pays all expenses when invoiced, totaling \$1,000.00.
2. Client pays no attorney's fees.
3. Client's net loss from the lawsuit is \$1,000.00.