

TERRY MARTIN, Plaintiff.
vs.
BIG BURGER, INC., Defendant.

TYPE OF CASE

Civil action for damages
Wrongful discharge from employment
“At will” employment vs. “good cause” for discharge
Jury Trial
Circuit Court [State Court]

NATURE OF LEGAL CLAIMS

Plaintiff is suing his/her former employer, claiming wrongful discharge from employment and seeking reinstatement and damages in the amount of lost earnings. Defendant asserts that the Plaintiff's employment was terminable-at-will and that plaintiff could be fired without a showing of good cause. Defendant further contends that there was good cause. Plaintiff disputes both of those contentions.

SUMMARY OF FACTS

Plaintiff Martin was fired by her/his employer Defendant Big Burger, Inc., a fast food restaurant. Another employee reported to Manager Kim Dorney that Martin called a customer a “scum bag” in a disagreement with that customer. Dorney, who actually fired Martin, did not witness the exchange between Martin and the customer. Martin denies calling the customer anything and says the customer used the quoted expression. Each party has one other witness to the incident and each of them supports the party calling him or her. There is also evidence of the amount of plaintiff's lost wages.

LIST OF MATERIALS

Pretrial Order, p. 1
Exhibit 1 - Floor Plan of Big Burger, p. 2
Exhibit 2 - Part F, Big Burger Employee Manual, p. 3
Rules of Law and Jury Instructions, pp. 4-6
Statement of Terry Martin [Plaintiff], p. 7
Statement of Sandy Kain [Plaintiff's Witness], p. 8
Statement of Kim Dorney [Defendant's Witness], p. 9
Statement of Jan Marks [Defendant's Witness], p. 10