

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

BENITO A. COLON ORTIZ,

Plaintiff,

v.

INTERNATIONAL ETHICAL LABORATORIES, INC.,

Defendant.

Civil Action No. 05-1267(HL)

Jury Trial Demanded

COMPLAINT

Plaintiff, Benito A. Colon Ortiz ("Colon"), by the undersigned attorneys, makes the following averments:

1. This civil action is brought pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301 - 4333 ("USERRA").

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 38 U.S.C. § 4323(b).

3. Venue is proper in this district under 38 U.S.C. § 4323(c)(2) and 28 U.S.C. § 1391(b) because Defendant, International Ethical Laboratories, Inc. ("IEL"), maintains a place of business in this judicial district.

PARTIES

4. Colon resides at Genis Corbalan 732, Fairview, Cupey, Puerto Rico 00926, within the jurisdiction of this Court.

5. IEL maintain a place of business at 1021 Americo Miranda Avenue, Reparto Metropolitano, Rio Piedras, Puerto Rico 00921, within the jurisdiction of this Court.

CLAIM FOR RELIEF

6. Colon served as an E-4 Specialist in the Army National Guard from 1991 to 2000. In this capacity, Colon performed military duties one weekend a month and two weeks each summer.

7. In January 2003, Colon commenced full-time employment as a pharmaceutical sales representative with IEL.

8. In January 2004, during his employment with IEL, Colon re-enlisted in the Army National Guard and received written orders to report for active duty to attend a 57-day officer basic training course that was scheduled to begin on January 31, 2004. Colon provided oral and written notice to IEL of his written orders to report for active duty.

9. Colon reported for active duty and attended the officer basic training course from January 31, 2004 to March 28, 2004.

10. On March 29, 2004, Colon attempted to return to work at IEL, but was denied reemployment. IEL discharged Colon on April 2, 2004.

11. IEL violated Sections 4311 and 4312 of USERRA, among other ways, by discriminating against Colon, denying him reemployment and other employment benefits, and discharging him because of his membership in, or obligation to perform service in, the uniformed services.

12. IEL's violations of USERRA were willful.

13. As a result of IEL's unlawful denial of Colon's reemployment and his discharge, Colon has suffered substantial loss of earnings and other benefits of employment.

PRAAYER FOR RELIEF

WHEREFORE, Colon prays that the Court enter judgment against IEL, its officers, agents, employees, successors and all persons in active concert or participation with it, as follows:

14. Declare that IEL's denial of reemployment to, and discharge of, Colon were unlawful and in violation of USERRA;

15. Order that IEL fully comply with the provisions of USERRA by reinstating Colon at the level of seniority, status and compensation that he would have enjoyed had he remained employed continuously with IEL, and by paying Colon for his loss of earnings and other benefits suffered by reason of IEL's failure or refusal to comply with the provisions of this law;

16. Declare that IEL's violations of USERRA were willful;

17. Order that IEL pay Colon as liquidated damages an amount equal to the amount of his lost compensation and other benefits suffered by reason of IEL's willful violations of USERRA;

18. Enjoin IEL from taking any action against Colon that fails to comply with the provisions of USERRA;

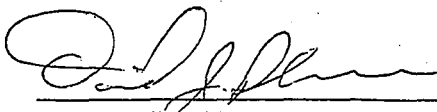
19. Award Colon prejudgment interest on the amount of lost compensation found due;
and

20. Grant such other and further relief as may be just and proper.

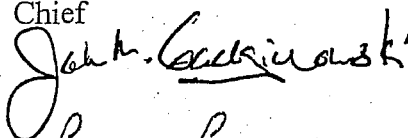
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