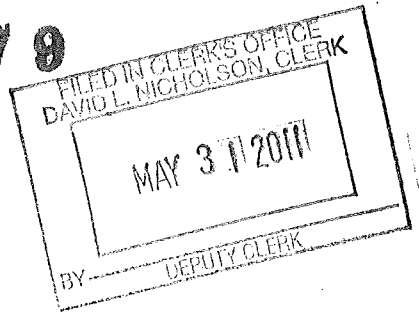


CASE NO. **11CI0877 9**

ANTHONY GADLAGE

v.



JEFFERSON CIRCUIT COURT
DIVISION _____

JEFFERSON CIRCUIT COURT
DIVISION TWELVE (12) PLAINTIFF

WINTERS & YONKER, ATTORNEYS AT LAW, PSC

DEFENDANT

Serve: C T Corporation System
4169 Westport Rd.
Louisville, KY 40207

VERIFIED COMPLAINT

Comes the Plaintiff, Anthony Gadlage, for his Verified Complaint against the Defendant, Winters & Yonker, Attorneys at Law, PSC, states as follows:

1. The Plaintiff, Anthony Gadlage, is and at all times relevant to this Complaint has been a resident of Jefferson County, Kentucky and an employee of Defendant, Winters & Yonker, Attorneys At Law, PSC (Hereinafter Winters & Yonker).
2. The Defendant, Winters & Yonker, is a foreign professional services corporation registered and doing business in the Commonwealth of Kentucky and at all times pertinent hereto employed the Plaintiff, Anthony Gadlage.
3. Jurisdiction is proper in Jefferson Circuit Court because Plaintiff's causes of action arise exclusively under Kentucky law, and the amount in controversy exceeds the jurisdictional requirements of this Court.
4. Venue is proper in Jefferson County because the facts in question occurred in Jefferson County,

the Plaintiff resides in Jefferson County, and the Defendant conducts business in Jefferson County.

5. Plaintiff was employed by Defendant from September 1, 2010 until April 19, 2011.
6. Defendant, Winters & Yonker, is a law firm, engaged in the practice of law, and primarily represents individuals with personal injury claims sustained in motor vehicle accidents.
7. Winters & Yonker associate attorneys job duties include traveling to the home of new clients, conducting a thorough interview of the client, and having the client sign various forms including a contract of representation.
8. Defendant, Winters & Yonker, specifically instructs their associate attorneys to use this “sign up” process as an opportunity to get clients to seek medical care at Kentucky Spine and Rehab.
9. Defendant, Winters & Yonker, specifically instructs their associate attorneys to get as many clients as possible to seek medical treatment at Kentucky Spine and Rehab.
10. Kentucky Spine and Rehab is owned and operated by Dr. Gary Kompothecras, a Florida chiropractor.
11. Kompothecras advertises in Florida and Kentucky, not as a chiropractor, but as a “medical and lawyer referral service” under the pseudonym “1(800) ASK-GARY”.
12. Kompothecras/1(800)ASK-GARY refers hundreds of Kentucky injury patients to Winters & Yonker. In return, Kompothecras/1(800)ASK-GARY expects hundreds of referrals from Winters & Yonker to his Kentucky medical clinics.
13. Plaintiff, Anthony Gadlage, found that it was more difficult to successfully resolve injury claims for individuals who treated at 1(800)ASK-GARY clinics, and therefore believed it was in the best interest of his clients and their claims to seek medical treatment with providers other than 1(800)ASK-GARY clinics.
14. For that reason, Anthony Gadlage routinely advised clients to seek treatment with clinics and

physicians other than 1(800)ASK-GARY clinics.

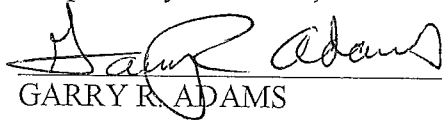
15. Winters & Yonker maintains a list and/or database (or databases) or otherwise tracks where clients are referred for medical treatment.
16. On or about the week of April 11, 2011, a meeting was held in the Louisville office of Winters & Yonker. During this meeting, agents of Winters & Yonker explained to those present, including the Plaintiff, that Kompothecras recently had a phone conversation with Winters & Yonker partners wherein Kompothecras expressed his displeasure with the number of referrals Kentucky Spine and Rehab was receiving from Winters & Yonker in Kentucky. It was further explained that Kompothecras indicated during this phone conversation that he would stop referring patients to Winters & Yonker if Winters & Yonker did not increase the number of clients it referred to 1(800)ASK-GARY clinics in Kentucky.
17. On or about the week of April 11, 2011, Plaintiff viewed a spreadsheet report which indexed where each attorney in the office had referred clients for treatment. Of those Winters & Yonker clients not treating with 1(800)ASK-GARY clinics, the majority were clients signed up by Plaintiff.
18. After this meeting, Plaintiff continued to believe his clients' best interests would be served by treating at clinics other than 1(800)ASK-GARY clinics.
19. Plaintiff, primarily out of concern for the well-being of his clients and their claims, refused to engage in the quid-quo-pro referral arrangement mandated by Winters & Yonker and its agents.
20. Plaintiff also believed that referring his clients to Kentucky Spine and Rehab created a third party conflict of interest under the Kentucky's Supreme Court Rules.
21. As a result of his refusal to place Winters & Yonker and 1(800)ASK-GARY/Kentucky Spine and Rehab's financial interest above the interests of his clients, Plaintiff was terminated on or about April 19, 2011.

22. As a further result of his refusal to place Winters & Yonker and 1(800)ASK-GARY/Kentucky Spine and Rehab's financial interest above the interests of his clients, Defendant, by and through its agents and employees further retaliated against Plaintiff by contesting his claim for unemployment benefits and other retaliatory acts meant to disparage him and damage his reputation in the legal community.
23. The above acts constitute wrongful termination in violation of public policy and post termination retaliation as contemplated by Kentucky's common law.
24. As a result of the unlawful acts by Defendant, Plaintiff has suffered damages in excess of the jurisdictional limits of this court, including loss of wages and other benefits, mental anguish, embarrassment, and humiliation.

WHEREFORE, the Plaintiff demands judgment on his Complaint against the Defendant in an amount sufficient to invoke the jurisdiction of this Court and, in addition demands the following:

1. A trial by jury on all issues so triable;
2. Compensatory damages;
3. For his costs herein expended including reasonable attorney's fees; and
4. Any and all other relief to which he may be properly entitled.

Respectfully submitted,



GARRY R. ADAMS
STEVEN M. FREDERICK
CLAY FREDERICK ADAMS, PLC
462 S. Fourth Street
101 Meidinger Tower
Louisville, Kentucky 40202
(502) 561-2005

VERIFICATION

I, Anthony Gadlage, state that I have read the foregoing Complaint and the statements contained therein are true to the best of my knowledge and belief.



ANTHONY GADLAGE

Subscribed and sworn to before me by Justin Spencer on this 31 day of May, 2011.

My commission expires: 07-13-2013



NOTARY PUBLIC, KY STATE AT LARGE