

CASE NO. \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
BULLITT CIRCUIT COURT  
DIVISION \_\_\_\_\_

AMY NORRIS,

PLAINTIFF

v.

SCHOPPENHORST-UNDERWOOD  
& BROOKS FUNERAL HOME, LLC,

DEFENDANT

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Comes the Plaintiff, Amy Norris (“Norris” or “Plaintiff”), by counsel, and for his Complaint against the Defendant, Schoppenhorst-Underwood & Brooks Funeral Home, LLC (“Defendant”), states as follows:

**I. JURISDICTION AND VENUE**

1. At all times relevant to this lawsuit, the Plaintiff has been a resident of Nelson County, Kentucky.
2. The Defendant is a domestic limited liability company whose principal office is in Bullitt County and is licensed to do business in the State of Kentucky.
3. The events that form the basis of this Complaint occurred in Bullitt County, Kentucky.
4. The Plaintiff’s damages exceed the minimum jurisdictional threshold for this Court.

## II. FACTUAL ALLEGATIONS

5. Norris began working for the Defendant in September 2010 as a Funeral Director.

6. Norris served as Vice President from 2013 to 2016.

7. Norris served as President from 2016 to the time her employment was terminated.

8. Norris reported to Ben Underwood, Defendant's owner.

9. At all relevant times, Norris met or exceeded Defendant's legitimate performance expectations.

10. In early March 2020, the Centers for Disease Control ("CDC") issued a warning to limit gatherings to less than fifty people due to the rapid spread of COVID-19.

11. On March 11, 2020, Governor Beshear advised that all community gatherings should be cancelled or postponed and that the citizens and businesses of the Commonwealth follow the CDC guidance limiting social gatherings to less than fifty people. He also encouraged all business to allow employees to work from home if at all possible.

12. On or about March 15, 2020, Norris contacted the Kentucky Coronavirus Hotline to get guidance on the proper operation of the funeral home given the limitations placed on social gatherings. She was informed to follow the guidelines to limit gatherings to fifty people or less.

13. On March 16, 2020, Norris held a staff meeting to discuss how to safely conduct funeral services in compliance with the public directives to minimize gatherings and other measures to help prevent the spread of COVID-19.

14. During the meeting, Underwood became agitated with Norris. As the staff brainstormed ways to conduct services in compliance with the public mandates, Underwood angrily asked, "What are we going to do, tell people to leave? Or send them to a competitor?"

15. Later that evening, President Trump issued guidance for the American People to follow the directions of their State and Local Authorities. Further, he recommended limiting gatherings to less than 10 people.

16. On March 17, 2020, Governor Beshear issued an executive order that closed all public facing businesses that encourage public congregations or that by the nature of their service to the public cannot comply with the CDC guidelines concerning social distancing.

17. On that same date, Underwood informed Norris that he would not be implementing any of the suggestions from the staff meeting. He noted that he would not limit the size of gatherings or even implement more frequent cleaning and disinfecting.

18. Instead, in that same meeting, Underwood informed Norris that she would no longer be President of Defendant and that her employment was terminated.

### **III. CAUSES OF ACTION**

19. Norris hereby incorporates by reference paragraphs one (1) through

eighteen (18) as if the same were set forth at length herein.

20. Defendant terminated Norris for attempting to comply with a public mandate to implement measures to slow the spread of COVID-19.

21. Defendant's actions were intentional, malicious, and done with reckless disregard for Norris's legally protected rights.

22. Norris has suffered damages as a result of Defendant's actions.

#### **IV. REQUESTED RELIEF**

WHEREFORE, Plaintiff, Amy Norris, respectfully requests that this Court enter judgment in her favor and award her the following relief:

1. Reinstatement of Norris to the position, salary and seniority level she would have enjoyed but for Defendant's unlawful actions; and/or payment to Norris of front pay in lieu thereof;

2. All wages, compensation, and other monetary loss suffered as a result of Defendant's unlawful actions;

3. Compensation for any and all other damages suffered as a consequence of Defendant's unlawful actions;

4. Compensatory damages;

5. Costs and attorney's fees incurred as a result of bringing this action;

6. Pre- and post-judgment interest on all sums recoverable; and

7. All other legal and/or equitable relief this Court sees fit to grant.

**V. DEMAND FOR JURY TRIAL**

Plaintiff, Amy Norris, by counsel, requests a trial by jury on all issues deemed so triable.

Respectfully submitted,

/s/Andrew Dutkanych  
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