

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No.
)	
SHUR-WAY MOVING AND CARTAGE)	Judge
Co. Inc. and DOUG BRZEZINSKI,)	
)	
Defendants.)	

COMPLAINT

The United States of America, by its attorney John R. Lausch, Jr., United States Attorney for the Northern District of Illinois, for its complaint alleges as follows:

Nature of Action

1. This action is brought by the United States to enforce the provisions of the Servicemembers Civil Relief Act ("SCRA"), 50 U.S.C. §§ 3901-4043.
2. Defendants own and operate a storage facility in Lake County, Illinois. Defendants store goods for members of the United States military, including members of the United States Navy. Defendants have improperly enforced a storage lien on a servicemember in violation of the SCRA.

Jurisdiction and Venue

3. This court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 50 U.S.C. § 4041(a).
4. Venue is proper in this district under 28 U.S.C. § 1391(b) because the events giving rise to the United States' claims occurred in this district, and Defendants are located and transact business in this district.

Parties

5. Plaintiff United States of America files this complaint on behalf of United States Navy O2E-Lietenant Junior Grade (LTJG) Miguelina Dominguez.

6. The Defendants are Shur-Way Moving and Cartage (Shur-Way) and Doug Brzezinski, the President and owner of Shur-Way.

7. Defendants own and operate an Illinois corporation located within this district, with a principal place of business at 1943 Industrial Drive, Libertyville, Illinois 60048.

8. At all times relevant in this complaint, Defendants acted through their employees and agents. Under agency principles, Shur-Way is liable for all acts alleged herein because such acts were committed by Mr. Brzezinski and other employees or agents of Shur-Way within the scope of their actual and apparent authority and for the benefit of the corporation.

9. Defendants are jointly and severally liable for all acts alleged herein.

Factual Allegations

10. Shur-Way is a storage facility that provides a personal, enclosed area for customers to keep their goods.

11. Defendants contract with the Navy to provide storage for servicemembers when they are transferred or deployed.

12. Dominguez has been an active duty member of the Navy since September 26, 2001, and remains on active duty to date.

13. In 2014, Dominguez was deployed to Bahrain, where she remained on duty continuously during the events alleged herein.

14. In or around June 2014, Dominguez's personal property was shipped to Defendants for storage pursuant to an agreement between Dominguez and Defendants. For the next two years, the U.S. Navy paid the storage fees charged by Defendants on a monthly basis.

15. On or about July 23, 2016, Defendants sold Dominguez's personal property in Lot No. LL1668 at auction without obtaining a court order, including a diamond engagement ring, a gold necklace, military commendation awards, military memorabilia, and many household goods.

16. Dominguez learned that her personal property had been sold at auction after receiving a phone call from a representative of Shur-Way while in Bahrain on active military duty.

17. Defendants' conduct described above constitutes the enforcement of a storage lien on the property or effects of a servicemember during a period of military service of the servicemember without a court order, in violation of 50 U.S.C. § 3958.

18. Dominguez was injured by, and has suffered damages as a result of, Defendants' illegal conduct.

Servicemembers Civil Relief Act Violations

19. The United States realleges and incorporates by reference each allegation in the preceding paragraphs as if fully set forth herein.

20. Defendants violated Section 3958 of the SCRA, 50 U.S.C. § 3958, when they enforced a storage lien on the property or effects of Dominguez during a period of military service without a court order, in violation of 50 U.S.C. § 3958.

21. This violation raises an issue of significant public importance. 50 U.S.C. § 4041(a)(2).

Prayer for Relief

WHEREFORE, the United States prays for judgment against Defendants, jointly and severally, as follows:

22. Declare that Defendants' conduct violated the SCRA;
23. Enjoin Defendants, their agents, employees, and successors, and all other persons in active concert or participation with Defendants, from:
 - a. enforcing a storage lien on any servicemember's property or effects during a period of military service or for 90 days thereafter without a court order in violation of 50 U.S.C. § 3958;
 - b. failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, LTJG Dominguez to the position she would have been in but for Defendants' illegal conduct;
24. Award appropriate monetary damages to LTJG Dominguez for Defendants' violation of the SCRA;
25. Assess a civil penalty against Defendants in order to vindicate the public interest pursuant to 50 U.S.C. § 4041(b)(3); and
26. Award additional relief as the interests of justice may require.

Respectfully submitted,

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