



**TULLY RINCKEY** PLLC  
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## **Tully Rinckey PLLC Sr. Associate Michael Macomber Talks with TWC about USERRA Victory**

### **Jury Decides City and Jamestown PD Partially Discriminated Against Former Detective**

**By, Mark Goshgarian**

**October 2, 2014**

**MAYVILLE, N.Y. -- Jurors took two hours Thursday to decide the City of Jamestown and its police department partially discriminated against former Jamestown Police Department Detective Timothy Wright. The verdict capped two days of testimony inside County Supreme Court. "I am pleased with the jury's verdict," Wright said. Wright filed suit against the city, claiming the police department didn't promote him in 2003 and illegally pro-rated his vacation and comp time because he was working as an Army reservist. "I'm extremely relieved, not only for me, but for my family and it's a lot of stress on top of the job as being a police officer and a member of the Guard and the Reserve," said Wright. The jury found the city didn't discriminate against Wright regarding the promotion and comp-time benefit, but jurors found Wright was entitled to his full vacation time benefit while he was overseas. "That is where the disappointment comes in. I don't believe the city discriminated against him in any way shape or form," said Marilyn Fiore-Lehman, City of Jamestown Corporation Counsel. City attorney Fiore-Lehman said under the collective bargaining agreement, an officer's vacation time is based on months of continuous service in a prior year. "I believe that the proration of his vacation was done in accordance with policies, practices and procedures that have been applied to all of the members of the Jamestown Police Department," said Fiore-Lehman. Wright's attorney, Michael Macomber, said the verdict upholds the Uniform Services Employment and Re-employment Rights Act of 1994, which prohibits discrimination based on military service. "I think that it's important**

for our reservists to know, not to mention the employers, that they cannot discriminate against those people, who leave their civilian lives to go serve our country," said Macomber, Tully Rinckey Senior associate. Wright said seven years of litigation and two decades of discrimination have been difficult. "In order for me to go away to fight a war over in Afghanistan or Iraq or other places and to have to be forced to come back to my civilian employment and be faced with another battle, it's not a walk in the park," Wright said. Both sides will now sit down to determine a settlement.

&#8220;He took on this case with vigor and ZERO FEAR of the government!&#8221;

"LITERALLY THE BEST MONEY I EVER SPENT!!!! The USAF charged my son with Article 92, Violate General Order and Article 128, Simple Assault. I spoke to many attorneys who said to me, "Your son will be convicted of the Simple Assault because putting lotion on someone's face is considered an assault as it is an unwanted touch." They all wanted me to work on a plea deal with the government that ended with my son being discharged, spending time in the brig and having a federal conviction for the rest of his life. Knowing that this just didn't warrant a federal conviction, bad conduct discharge and time in the brig, I was on a search to find an attorney who would look at this case for what it was: a couple of 19-21 year-old immature young men horse playing. I was looking for someone who would say something different; someone who would be able to look at the case from more than one view. When I spoke to Mr. Rinckey, I thought I was going to get the same ole speech, but to my surprise, I IMMEDIATELY felt at ease and I knew right then that he was going to be my attorney (not sure if he knew it at this time). He took on this case with vigor and ZERO FEAR of the government! He wanted them to know that this was NOT going to go away with any plea deal! And he went to work! Then, LITERALLY 2 DAYS BEFORE trail the government added an additional charge, which was Article 134, Unlawful Entry. Mr. Rinckey stayed focused, developed a plan, and off to trail we went. He was so prepared, calm and at ease. I remember him saying to me, "I am ready to try this case." And yesterday – 14 APR 2016 – my son was found NOT GUILTY on ALL CHARGES AND SPECIFICATIONS!!! Yesss!!! You know, it's always hard to find money for an attorney, but I learned one thing with this case. Although I thought we couldn't afford an attorney, the truth of the matter was that we couldn't afford NOT TO HAVE an attorney. I only wish I had found Mr. Rinckey sooner, but that's okay. I have found my ATTORNEY for life," Y.W. on Founding Partner on Greg Rinckey, Esq.

Prior results do not guarantee similar outcomes.

"Great Customer Service" – C.R.

"Great customer service, thoroughly explained all aspects of my case. Thank you." - C.R.

Prior results do not guarantee similar outcomes

&#8220;Great Service&#8221; &#8211; E.S.

I want to thank you all for the great service rendered [to] myself and family. - E.S. on Client Relations Attorney Derrick Hogan

"High Regard" – R.E.M.

"Your firm held my best interests with high regard... I thank you for your efforts" - R.E.M.

“Prompt and Efficient” – K.E.

“Prompt and efficient in processing claim, all correspondence handled in prompt & efficient manner” – K.B.

“Impressed” – W.W.

“As a retired heavy user of attorneys, I’m impressed with your concerns and your efforts to stay in touch with your clients. Its damned good management aligned with top notch expertise.” – W.W.

“Excellent Service” – J.R.

“Excellent service, very professional, and understanding and considerate of clients needs” Attorney was very approachable and there was a very good comfort level” – J.R.

“Full Service” – K.M.

“I like the fact the office is close enough to where I work and live and that it is a full service practice, not just estate planning” – K.M.

“Professional and Informative” – J.H.

“Professional and informative... I was pleased with the handling of the case. I was treated as a person, and kept abreast of all aspects of the case. Thank you all.” – J.H.

“Thanks So Much” – J.D.

“Without your Firm, I would not have known of my claim. Thanks so much!” – J.D.

“Gets Results” – F.P.

“Most certainly – The firm gets results!” – F.P.

“Outstanding” – M.P.

“Results are outstanding” – M.P.

“Quite Satisfied” – R.W.

“I am quite satisfied with the services your office has provided.” – R.W.

“Exceptional Legal Services” – A.S.

“Your firm, Tully Rinckey, has provided and continues to provide me with prompt, keen, exceptional legal services. After the initial consult, I felt relieved that I had the representation from Tully Rinckey... I have found a new found hope with Tully Rinckey...” – A.S.

“Absolute Best” – R.H.

“My attorney was the absolute best I could ever have hoped for. A pure professional in every sense of the word. She was very mindful of my financial expenditure and still was able to represent me very well in my court case.” – R.H.

“Outstanding Service” – A.R.

“Outstanding service, true professional.” – A.R.

“Top Notch” – V.W.

“My attorney was top notch. Very Pleasant and helpful” – V.W.

“Very Thankful” – C.P.

“Very thankful for the help and guidance I received from your law firm. Because of your law firm I was able to return to work with all my back benefits.” – C.P.

“Ideal Choice” – D.H.

“My attorney knew exactly the approach to take and was the ideal choice. She was extremely responsive. She was clear, balanced, and open to our views and feelings. She made it clear she was there for us and ready to answer questions.” – D.H.

“Very Satisfield” – D.D.

“I was very satisfied with the services provided which were completed in a very timely and professional manner.” – D.D.

“Excellent” – B.M.

“Your firm provides excellent & free service to federal workers and NG/USAR members.” – B.M.