

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

MICHAEL T. MORMINO,

Plaintiff,

v.

LOMB INC.,

D/B/A LOMBARDO'S RESTAURANT,

Serve at: Anthony Lombardo

201 S. 20th Street

St. Louis, Missouri 63103

Defendant.

Case No.

Div.

JURY TRIAL REQUESTED

Petition

1. Missouri law prohibits employers from firing employees because of their political beliefs or opinions. On September 10, 2025, Michael T. Mormino expressed his political beliefs and opinions about Charlie Kirk and the Second Amendment on his personal Facebook page. The next day, his employer, Lombardo's Restaurant, suspended him and soon thereafter terminated his employment after nearly fifteen years of service because of those beliefs or opinions, in violation of § 130.028 RSMo. and Missouri public policy.

Parties, Jurisdiction, Venue, and Amount in Controversy

2. Plaintiff Mormino resides in the State of Illinois.
3. Defendant Lomb Inc. d/b/a Lombardo's Restaurant ("Lombardo's"), a Missouri corporation, has its principal place of business in the City of St. Louis, Missouri.
4. This Court has personal jurisdiction because Lombardo's conducts business in Missouri, and Mormino's claims arise from Lombardo's conduct toward him in Missouri.
5. Venue is proper in this Court pursuant to § 508.010 RSMo.
6. The amount in controversy exceeds \$25,000.

Background

7. Lombardo's operates multiple restaurants in the St. Louis, Missouri area.

8. Mormino began working for Lombardo's in November 2010. Over the next nearly fifteen years, Lombardo's promoted him to General Manager of its airport location, where he worked approximately 40 to 45 hours per week, reported directly to ownership, and supervised restaurant staff.

9. Throughout his employment, Mormino was a reliable employee. Lombardo's never issued him a written warning, written discipline, suspension, demotion, or performance-improvement plan before the events described below, and never documented any concern about his work performance, honesty, attendance, treatment of customers, supervision of staff, or management of the restaurant.

10. On September 10, 2025, following the shooting of political commentator Charlie Kirk, Mormino published a post on his personal Facebook page. The post read: "Couldn't happen to a bigger piece of shit except maybe one I can think of. How's that 2nd Amendment treating you now douche bag?" Mormino intended the post as political commentary directed at Kirk's public statements about school shootings and the Second Amendment. A true and accurate copy of the post is attached and incorporated herein as **Exhibit A**.

11. The post did not mention Lombardo's, the restaurant, any co-worker, or any customer. Mormino did not write the post on company equipment, on behalf of Lombardo's, or on the restaurant's Facebook page, and he did not direct it to anyone connected to the business. It was personal political speech on his own Facebook account.

12. Someone took a screenshot of the post and sent it to Lombardo's.

13. On September 10, 2026, Lombardo's co-owners, Anthony Lombardo and Karen Lombrado Baker, suspended Mormino for two weeks because of the post.

14. On September 24, 2025, Anthony Lombardo terminated Mormino's employment with Lombardo's because of the political beliefs or opinions he expressed in his personal Facebook post.

Count I: Wrongful Termination in Violation of § 130.028 RSMo.

15. Mormino realleges and incorporates by reference paragraphs 1 through 14 as though fully set forth herein.

16. Section 130.028.1(1) prohibits an employer from discharging or otherwise discriminating against an employee "with respect to his or her compensation, terms, conditions or privileges of employment by reason of his political beliefs or opinions."¹

17. Section 130.028.4 authorizes an employee aggrieved by such conduct to bring a civil action for damages of not less than \$100 and not more than \$1,000 for each violation, plus costs and reasonable attorney's fees, and provides that each violation is a separate cause of action.

18. Mormino expressed political beliefs and opinions within the meaning of § 130.028 by posting political commentary concerning Kirk's public statements about school shootings and the Second Amendment.

19. Lombardo's was aware of Mormino's political beliefs and opinions before suspending and terminating his employment.

20. Lombardo's suspended Mormino's employment because of the political beliefs and opinions he expressed in his September 10, 2025 Facebook post.

21. Lombardo's terminated Mormino's employment because of the same political beliefs and opinions.

¹ The statute also makes it a class E felony to violate an employee's statutory rights. See §130.028.1(1)-(5).

22. Lombardo's suspension of Mormino and its subsequent termination of Mormino were separate and independent violations of § 130.028.

23. As a direct and proximate result of Lombardo's conduct, Mormino has suffered and will continue to suffer damages.

WHEREFORE, Plaintiff Michael T. Mormino prays for judgment against Defendant Lomb Inc. d/b/a Lombardo's Restaurant, including damages under § 130.028 RSMo. for each separate violation, his attorneys' fees and costs, and such other and further relief as the Court deems just and proper.

Count II: Wrongful Termination in Violation of Public Policy

24. Mormino realleges and incorporates by reference paragraphs 1 through 23 as though fully set forth herein.

25. Missouri recognizes a common law claim for wrongful discharge in violation of public policy. An employer who terminates an at-will employee in violation of a clear mandate of public policy is liable for resulting damages.

26. Section 130.028 RSMo. reflects a clear mandate of Missouri public policy protecting employees from discharge because of their political beliefs and opinions and safeguarding their ability to engage in political expression.

27. Mormino engaged in conduct protected by that public policy by expressing political beliefs and opinions on a matter of public concern in his September 10, 2025 Facebook post.

28. Lombardo's suspended and terminated Mormino's employment because of that conduct.

29. Lombardo's suspension and termination of Mormino therefore violated a clear mandate of Missouri public policy.

30. Lombardo's conduct was outrageous because of Lombardo's evil motive or reckless indifference to Mormino's rights.

31. As a direct and proximate result of Lombardo's conduct, Mormino has suffered and will continue to suffer damages.

WHEREFORE, Plaintiff Michael T. Mormino prays for judgment against Defendant Lomb Inc. d/b/a Lombardo's Restaurant, including compensatory damages in an amount that is fair and reasonable; back pay, front pay, and lost benefits; emotional distress damages; pre- and post-judgment interest; costs of this action; and such other and further relief as the Court deems just and proper.

Request for Jury Trial

32. Mormino requests a trial by jury in the Circuit Court of the City of St. Louis, Missouri on all counts and allegations of wrongful conduct in this case triable to a jury.

Respectfully submitted,

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