

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

THOMAS L. GLOVER,
Plaintiff,

CIVIL ACTION NO.: 6:23-cv-270

v.

CHIEF JUDGE _____

**LAFAYETTE CONSOLIDATED
GOVERNMENT and JOSHUA GUILLORY,**
in his individual and official capacities
Defendants

MAG. JUDGE _____

COMPLAINT

NOW INTO COURT, through the undersigned counsel, comes Plaintiff, Thomas L. Glover, who respectfully represents as follows:

JURISDICTION AND VENUE ALLEGATIONS

1. This Court has subject-matter jurisdiction herein pursuant to 28 U.S.C. § 1331. This is an action for damages and injunctive relief arising out of Defendants' violations of Title VII of the 1964 Civil Rights Act 42 U.S.C. § 2000e-2 *et seq.*, 42 U.S.C. § 1983 and 42 U.S.C. § 1981. Mr. Glover was formerly employed by the Lafayette Consolidated Government ("LCG") as its Chief of Police. Plaintiff asserts that he was terminated from his employment because of his race.

2. Venue is appropriate in the United States District Court for the Western District of Louisiana, pursuant to 28 U.S.C. § 1391(a), because the events giving rise to this action occurred in this judicial district, and Defendants LCG and Joshua Guillory are domiciled in this judicial district.

PARTIES

3. Plaintiff, Thomas L. Glover, ("Mr. Glover") is a person of the full age of majority

and a resident of Tarrant County, State of Texas.

4. Defendant LCG is a political subdivision of the State of Louisiana with its principal business establishment in Lafayette, Louisiana.

5. Defendant Joshua Guillory (“Guillory”) is a person of the full age of majority and a resident of Lafayette Parish, Louisiana, who is sued herein in his individual and official capacities.

PROCEDURAL PREREQUISITES

6. On August 3, 2022, Mr. Glover filed Charge of Discrimination No. 461-2022-02303 with the Equal Employment Opportunity Commission (“EEOC”) asserting violations of Title VII of the Civil Rights Act of 1964 based on race discrimination.

7. Mr. Glover received a Right to Sue letter dated November 30, 2022, from the EEOC regarding his claim of race discrimination as set forth in this EEOC Charge.

8. This complaint is being filed within Ninety (90) days of receipt of the EEOC Notice of Right to Sue letter, and his termination occurred within Three Hundred (300) days prior to the date when Plaintiff filed his EEOC charge of discrimination. Thus, Plaintiff’s Title VII complaint is timely.

FACTUAL ALLEGATIONS

9. Mr. Glover is Black (African American) and thus belongs to a protected class.

10. Mr. Glover took the oath of office as Chief of Police for the LPD on December 31, 2020.

11. LCG selected Mr. Glover to serve in the position of Chief of Police after it conducted a lengthy national search to fill the position.

12. Mr. Glover was the first Black (African American) Police Chief ever employed by

the LCG.

13. After graduating from Grambling State University with a Bachelor of Science degree in criminal justice and a minor in political science, Mr. Glover worked for the Dallas, Texas Police Department (“DPD”) for thirty-six (36) years, attaining the rank of Lieutenant, the highest attainable rank within the civil service system for DPD officers. Mr. Glover had extensive experience in police work and in the administration of a police department of a major metropolitan area.

14. Throughout his employment, Mr. Glover was well qualified to perform the functions of the position of Chief of Police and did perform those functions at the highest level of professionalism and competence.

15. In fact, during the month immediately preceding his sudden and unexpected termination, Mr. Glover received at least eight (8) text messages from Lafayette Mayor-President Guillory, thanking him for his “great work” and commending him for doing a “great/excellent job.”

16. Guillory stated during this time that Mr. Glover was the “best police chief in America.” In fact, Guillory publicly made similar statements on a call-in radio show (local radio KPEL 96.5) and at City Council meetings, as late as thirty-six (36) hours before LCG terminated Mr. Glover.

17. On October 7, 2021, Mayor President Guillory terminated Mr. Glover’s employment.

18. The LPD has been comprised of approximately 78% White officers and 22% Black officers, even though the City of Lafayette is almost 30% Black.¹

¹ City demographics available from the U. S. Census website, accessed February 28, 2023 at <https://www.census.gov/quickfacts/fact/table/lafayettcitylouisiana/RHI225221#RHI225221>

19. During the interview process for the position of Chief of Police, Guillory commented to Mr. Glover that some of his political supporters had “concerns” about Mr. Glover, apparently over interviews Mr. Glover gave in Dallas, in July 2016 wherein Mr. Glover asserted that racism persisted in policing and needed to be addressed.

20. During the interview process, Guillory expressed concerns to Mr. Glover about the National Black Police Association.

21. During Mr. Glover’s tenure at LCG, a White man assumed the position of Police Union President. On reasonable information and belief, about two weeks after this turnover, union leadership requested a meeting with Mayor-President Guillory.

22. In a meeting with Mayor-President Guillory, leaders of the Police Union reportedly requested that Plaintiff be terminated because Mr. Glover had terminated two (2) White officers for using excessive force on handcuffed prisoners and terminated a Black officer who had tested positive for illegal drug use.²

23. LCG and Guillory terminated Mr. Glover because of his race.

24. On about September 13, 2021, Cydra Wingerter, who was Plaintiff’s direct supervisor, presented Mr. Glover with a so-called “evaluation,” containing goals, objectives and performance measures on which Mr. Glover was then evaluated.

25. The purported goals and objectives presented to Mr. Glover in this September 2021 meeting were simply notes from a pre-employment interview of Mr Glover, which Mr. Glover had *never before seen*.

26. Part of this evaluation contained a list of vague and generalized goals such as: “Fix

² Officer Pablo Estrada was suspended after being captured on video in an altercation with a handcuffed black prisoner. <https://www.theadvertiser.com/story/news/2021/07/15/hearing-tabled-lafayette-cop-fired-after-punching-pushing-man/7900173002/>

PD”, “Find Crime/Fight Crime”, “Community Policing”, “Training (de-escalation) & PR”, and “PD Re-org”.

27. After his appointment as police chief, neither LCG, Mr. Guillory, nor Ms. Wingerter provided Mr. Glover any goals or objectives.

28. Mr. Glover submitted to Ms. Wingerter a list of goals and objectives which she accepted.

29. Thereafter, Mr. Glover diligently worked towards achieving those goals and objectives.

30. Ms. Wingerter stated during the September 13, 2021 meeting that Mr. Glover should have also been working on rebuilding community trust in the LPD in the wake of the highly publicized killing of a Black citizen, Trayford Pellerin, in August 2020. Once again, Mr. Glover had been diligently working to attain this goal, as was well known to the public.

31. Mr. Glover had been working on other relevant issues, including effectively addressing street panhandling.

32. However, under a section of this September 2021 evaluation labeled “Leadership Matters”, Ms. Wingerter noted purported deficiencies in Mr. Glover’s performance which had never been previously brought to his attention. For example, under “violent crime” Ms. Wingerter essentially gave Mr. Glover a poor rating by noting that violent crime was up in 2021.

33. Crime statistics are not calculated until after the end of the year, so it would have been impossible to accurately evaluate Mr. Glover on whether crime had gone up or down during his tenure.

34. Ms. Wingerter never conveyed the asserted “priorities” to Mr. Glover prior to her purported September 2021 evaluation, nor had Mr. Glover ever met with her or Mayor-President

Guillory to discuss what was expected of him.

35. After Ms. Wingerter's one-and-only purported performance evaluation of Mr. Glover, Defendant Guillory acknowledged in his weekly radio show on or about October 14, 2021 that crime in Lafayette was actually down in 2021.

36. During his tenure as Lafayette Chief of Police, Mr. Glover did not receive a timely performance review as required by LCG's Employee Performance Evaluation Manual, state law and civil service policies.

37. Moreover, LCG denied Mr. Glover probationary and final probationary performance evaluations in contravention of state law and civil service rules.

38. The Defendants initially refused to provide reasons for Mr. Glover's termination. However, during a subsequent administrative hearing, and only after having been coached by LCG's employment counsel, Ms. Wingerter asserted that Mr. Glover was terminated because she and Mayor-President Guillory had "lost confidence" in Mr. Glover.

39. LCG and Guillory's purported non-discriminatory reasons for terminating Mr. Glover are false and pretextual.

COUNT I – RACE DISCRIMINATION
IN VIOLATION OF 42 U.S.C. § 2000e-2 *et seq.*, and 42 U.S.C. § 1981

40. Mr. Glover reasserts the allegations of paragraphs 1-39 in support of his claims of race discrimination against the Defendants in violation of 42 U.S.C. § 2000e-2 *et seq.*, 42 U.S.C. § 1983 and 42 U.S.C. § 1981.

41. At all times relevant hereto, Mr. Glover was qualified and capable of performing the duties of his position as LPD Chief of Police as set forth above.

DAMAGES

42. Because of Defendants' discriminatory termination, Mr. Glover has suffered wage losses, loss of fringe benefits, mental and emotional distress, humiliation and embarrassment, loss of enjoyment of life, and damage to his reputation.

43. Mr. Glover has also had to retain the services of attorneys as a result of Defendants' discriminatory treatment, and is entitled to recover attorneys' fees, witness fees, litigation expenses, and court costs already incurred and which he will continue to incur as this cause proceeds.

JURY DEMAND

44. Plaintiff respectfully demands trial by jury on all issues triable by jury.

WHEREFORE, Plaintiff, Thomas L. Glover, respectfully prays for judgment in his favor and against the Defendants, Lafayette Consolidated Government and Joshua Guillory in his individual and official capacities, for such sums as are reasonable in the premises, with all costs, and legal interest thereon from the date of judicial demand, until paid, plus reasonable attorneys' fees and litigation expenses and reinstatement to the position of Chief of Police or front pay if reinstatement is not feasible.

Respectfully submitted:

SMITH LAW FIRM

/s/ J. Arthur Smith, III
J. ARTHUR SMITH, III, TA (#07730)
J. ARTHUR SMITH, IV (#37310)
830 North Street
Baton Rouge, Louisiana 70802
Telephone: (225) 383-7716
Facsimile: (225) 383-7773
Email: jasmith@jarthursmith.com
asmithiv@jarthursmith.com

-And-

MILDRED E. METHVIN, LLC

/s/Mildred E. Methvin

Mildred E. Methvin (La. #14619)

7414 Sardonyx St.

New Orleans, LA 70124

Telephone 337-501-1055

Facsimile 888-298-0566

memethvin@gmail.com

Counsel for Plaintiff, Thomas L. Glover

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Thomas L. Glover

(b) County of Residence of First Listed Plaintiff Tarrant County, Texas (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

J. Arthur Smith, III, J. Arthur Smith, IV; 830 North Street, Baton Rouge, LA 70802; Tel. (225) 383-7716, et al.

DEFENDANTS

Lafayette Consolidated Government, & Joshua Guillory in his individual and official capacities

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 2000e-2 et seq, 42 U.S.C. 1981 and 42 U.S.C. 1983. Brief description of cause: race discrimination

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 02/28/2023 SIGNATURE OF ATTORNEY OF RECORD /s/ J. Arthur Smith, III

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

Thomas L. Glover

Plaintiff(s)

v.

LAFAYETTE CONSOLIDATED GOVERNMENT and JOSHUA GUILLORY, in his individual and official capacities

Defendant(s)

Civil Action No. 6:23-cv-270

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Mr. Gregory J. Logan City-Parish Attorney Lafayette Consolidated Government 700 Jefferson St. Lafayette, LA 70501 Tel. 337-283-4008

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

J. Arthur Smith, III SMITH LAW FIRM 830 North Street Baton Rouge, LA 70802

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 6:23-cv-270

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

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Thomas L. Glover

Plaintiff(s)

v.

LAFAYETTE CONSOLIDATED GOVERNMENT and JOSHUA GUILLORY, in his individual and official capacities

Defendant(s)

Civil Action No. 6:23-cv-270

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Mr. Joshua Guillory Mayor-President Lafayette Consolidated Government 705 West University Avenue Lafayette, LA 70506 Tel. 337-291-8300

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

J. Arthur Smith, III SMITH LAW FIRM 830 North Street Baton Rouge, LA 70802

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I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
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Other *(specify)*:

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I declare under penalty of perjury that this information is true.

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Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: