

COMMONWEALTH OF KENTUCKY
BULLITT CIRCUIT COURT
NO. _____

CARL REESOR
and
GRACE SMITH

PLAINTIFFS

vs.

VERIFIED COMPLAINT

BULLITT FISCAL COURT

Serve: Jerry Summers
Bullitt County Judge Executive
300 S. Buckman Street
Shepherdsville, KY 40165

and

PAUL WATKINS, individually and in his official
capacity as Bullitt County Jailer

Serve: Paul Watkins
Bullitt County Jail
1671 S. Preston
Louisville, KY 40165

DEFENDANTS

* * * * *

JURISDICTION AND VENUE

1. The Plaintiffs were employees of the Bullitt Fiscal Court as deputy jailers of the Bullitt County Detention Center (BCDC).
2. The Defendant Bullitt Fiscal Court was at all times relevant hereto the Plaintiffs' employer.
3. The Defendant Paul Watkins was at all times relevant hereto the elected Bullitt County Jailer.
4. Jurisdiction for this action is pursuant to KRS 61.101, et seq., and KRS 344.010, et seq.

FACTS

5. Plaintiff Carl Reesor was employed by the Defendant on or about July 24, 2019.
6. Plaintiff Grace Smith was employed by the Defendant on or about November 1, 2019.
7. Bullitt County Jailer Paul Watkins was the Plaintiffs' supervisor.
8. On January 9, 2020, worms were discovered in the food being served by Tiger Correctional Food Service, the contract food provider, Jailer Watkins became upset because Plaintiff Reesor reported the substandard food to the Department of Corrections (DOC) Jail Inspector, Melissa Pohlman.
9. On January 28, 2020, there was a meeting with Bullitt County Judge Executive Jerry Summer and Deputy Judge Kay Parrish regarding Plaintiff Reesor having been contacted by the U of L Hospital attorney about the previous medical provider who had not paid hundreds of thousands of dollars of inmate medical bills. Jailer Watkins was upset that Plaintiff Reesor was also bringing up issues with the previous medical company and the current medical provider.
10. On February 12, 2020, there was a second meeting with Bullitt County Judge Executive Summer, Deputy Judge Parrish and an Assistant County Attorney and Jailer Watkins, regarding medical bills. Jailer Watkins was upset when the meeting concluded saying he had nothing to do with the Medical Contract and that he wasn't even there when Fiscal Court approved it. He stated the Judge Executive and Plaintiff Reesor approved the contract. Jailer Watkins said that he was an elected official, and the Judge Executive and Fiscal Court had no control over him or the jail, and Plaintiff Reesor should watch what he says.
11. On February 18, 2020, three (3) members from Tiger Correctional Food Service scheduled a meeting with Jailer Watkins to visit the BCDC facility. Jailer Watkins asked Major

Smith to get three (3) security badges from Plaintiff Reesor's desk for them. Major Smith refused because the Security Policy and Procedures required a background check be completed prior to issuing a Security Badge. Jailer Watkins became upset with Major Smith's refusal issuing a badge; Jailer Watkins took the Security Badges and handed them out in violation of Security Policy. When Major Smith advised Plaintiff Reesor of the violation, Plaintiff Reesor inquired of Jailer Watkins why he handed out the badges in violation of the jail's security policy. Jailer Watkins responded by saying he was the "F * * king Jailer," and he would do whatever he wanted. Plaintiff Reesor advised him that Plaintiff Reesor was going to report the security breach to the DOC Jail Inspector.

12. On March 3, 2020, there was a third meeting with Judge Executive Summer and Deputy Judge Parrish regarding issues with medical and billing. Plaintiff Reesor advised the Judges that Jailer Watkins was in charge of payroll for the previous medical provider and did the payroll for them. Plaintiff Reesor did not understand what account they were being paid from, and that normally the county treasurer would pay medical bills after approval by Fiscal Court. The U of L attorney thought that medical staff were county employees and that the county was responsible for the bills. After the meeting, Jailer Watkins stated to Plaintiff Reesor that he paid them and wrote the checks to them. Plaintiff Reesor again asked what account he was paying them from. Plaintiff Reesor was told that it did not concern him. When contacted again by U of L attorney, Plaintiff Reesor referred them to the Bullitt County Attorney's Office.

13. During the afternoon command staff meeting, Jailer Watkins received a phone call regarding the BCDC's body scanner from Scott Wood, a Sales and Training Specialist at Command Sourcing, Inc. Mr. Wood asked if Plaintiff Reesor amended the BCDC policy on the body scanner. Jailer Watkins advised him that that Plaintiff Reesor had been busy and had not

done it yet. Plaintiff Reesor turned from his desk and stated, "Sir, I completed that amended policy several weeks ago, and you reviewed and approved the policy before we started using the scanner." After Jailer Watkins ended the phone conversation, he was very angry and stated he knew nothing about the policy amendment. Plaintiff Major Smith responded, "we all sat here and reviewed the policy, and you approved it." Jailer Watkins then became more upset.

14. Subsequently, Jailer Watkins began accusing Plaintiff Reesor of eavesdropping on his phone conversations and stated that he has no privacy in his own office. Plaintiff Reesor responded, "Sir, we share the office and I'm sitting six (6) feet away from your desk." Jailer Watkins responded by hitting his fist on his desk and stated, "F * * k you!, F * * k you!" Plaintiff Reesor responded by stating that he was not going to be cussed, and this was the third time Jailer Watkins had cussed him. Reesor also stated that he did not need his job that bad and that he was only there to help him. Jailer Watkins stated "You've been getting worse for the last 3 months; I've had it with you." Plaintiff Reesor stated, "Sir, what are you talking about?" Jailer Watkins yelled, "Your through!" While Plaintiff Reesor began gathering up his belongings and laptop, Jailer Watkins approached Reesor in an aggressive demeanor with fist raised and stated, "I've had it with you." Plaintiff Reesor called for backup in an attempted to deescalate the situation. Jailer Watkins then stated, "Carl you're going to be sorry." Plaintiff Reesor responded, "Sir, you got what you wanted. My badge and stuff, just let me get my stuff."

15. As Reesor was leaving the facility, deputy jailer, and an inmate in the break area had heard Jailer Watkins yelling at Plaintiff Reesor. They apologized for Watkins' actions.

16. While driving home, Plaintiff Reesor received a phone call from Attorney Thomas Clay asking to schedule a meeting. Attorney Thomas Clay, Jailer Watkins, Major Smith and Plaintiff Reesor met on October 21, 2020.

17. Plaintiff Reesor also was contacted on October 19, 2020, by Deputy Judge Executive Kay Parrish stating she had been told that Smith and Reesor had left the jail and that she called Jailer Watkins, and he confirmed it, but was having dinner and didn't want to discuss it. Judge Parrish said the county needed Reesor and Smith and wanted them to come back. Plaintiff Reesor advised her of the mediation on Wednesday, October 21st. Judge Parrish stated she would meet with Jerry Summer, and they would then speak with Jailer Watkins because they needed the Plaintiffs.

18. On October 21, 2020, a meeting was held at Attorney Thomas Clay's office. During this meeting, Jailer Watkins stated he wanted the Plaintiffs back. A mediation agreement was written up by Mr. Clay, and it was agreed that the Plaintiffs would return to work on Monday, October 26, 2020. Jailer Watkins stated he wanted to let the County Attorney review the agreement before he would agree to sign it. On Friday, October 22, 2020, Jailer Watkins contacted Attorney Thomas Clay and informed him that he did not want the Plaintiffs to return to work and was thereby terminating their employment with BCDC.

19. On several occasions, Jailer Watkins became angry when the Plaintiffs would advise the Jailer that the actions he was taking or wanted Plaintiffs to follow was illegal, a violation of policy and procedures, or immoral. On (2) occasions, Jailer Watkins became so upset at Plaintiff Reesor for advising the DOC Jail Inspector of his actions regarding inmates' rights, being untruthful with the Jail Inspector or violating Kentucky Jail Standards that he started cussing, hitting his fists on the desk and went home for three (3) days and would not talk with Plaintiff Reesor. On a second occasion he stayed at home for two (2) days and would not answer Plaintiff Reesor's calls or texts.

20. Jailer Watkins habitually went to the female inmate area with “e-cigs” in his pocket. He would have a female inmate put her hands in his pockets to retrieve the e-cigs, despite warnings from Plaintiff Reesor that such conduct could constitute sexual harassment.

21. Plaintiff Reesor reported the enumerated violations of law, policy and procedures, and regulations to the Department of Corrections Jail Inspector Melissa Pohlman.

22. Plaintiff Reesor also reported these violations to Bullitt County Judge Executive Jerry Summers and Deputy County Judge Executive Kaye Parrish.

23. Plaintiff Smith supported Plaintiff Reesor’s reporting these violations.

24. Jailer Watkins retaliated against the Plaintiff Reesor in violation of KRS 61.101 et seq., by falsely stating the Plaintiff Reesor had voluntarily left this employment on October 19, 2020, resulting in a determination on April 21, 2021, by the Office of Unemployment Insurance to deny benefits to Plaintiff Reesor because “The claimant voluntarily left the work. . . .”

25. Jailer Paul Watkins retaliated against the Plaintiff Smith in violation of KRS 61.101 et seq., resulting in a determination on April 25, 2021, by the Office of Unemployment Insurance to deny benefits to Plaintiff Smith.

26. Plaintiff Smith supported Plaintiff Reesor in his reporting Whistleblower protected communication to appropriate individuals.

27. Plaintiff Smith was terminated by Jailer Watkins in violation of KRS 61.101, et seq.

COUNT II **DEFAMATION**

28. Plaintiffs reiterates and incorporates by reference, as if set forth fully herein, each and every averment, allegation or statement contained in each of the previous paragraphs 1 – 27 of this Verified Complaint.

29. The plaintiffs were terminated by Jailer Watkins on October 19, 2020.

30. On November 2, 2020, Jailer Watkins met with Kenneth Bennett.

31. In the course of their conversation, Jailer Watkins accused Plaintiff Grace Smith of “stealing time.”

32. In the course of the conversation Jailer Watkins accused Plaintiff Carl Reesor of “covering up” Plaintiff Smith’s “stealing time,” specifically, because Plaintiff Reesor falsely authorized the jail’s payroll to pay Plaintiff Smith for hours she did not work.

COUNT III
RACIAL DISCRIMINATION
KRS 344.010, et seq.

33. Plaintiffs reiterates and incorporates by reference, as if set forth fully herein, each and every averment, allegation or statement contained in each of the previous paragraphs 1 - 32 of this Verified Complaint.

34. In January, 2020, Chief Deputy Jailer David Greenwell characterized Plaintiff Grace Smith as a:

- a. “chicken eater”
- b. “watermelon eater”
- c. Plaintiff Reesor was a “N” lover.

35. These comments by Greenwell were relayed to Plaintiff Reesor by Jailer Paul Watkins.

36. Jailer Watkins had a duty to report these comments to Plaintiffs’ employer, Defendant Bullitt Fiscal Court, but he failed to do so.

37. These comments by Greenwell constitute unlawful racial discrimination in violation of KRS 344.010, et seq.

WHEREFORE, Plaintiffs respectfully demand as follows:

1. For a Trial by jury on all issues so triable;
2. Damages for embarrassment, humiliation, and mental anguish;
3. Plaintiffs be awarded Punitive damages;
4. For their costs herein incurred, including a reasonable attorney's fee.
5. Any and all other relief to which the Plaintiffs may appear entitled.

Respectfully,

/s/ Thomas E. Clay

THOMAS E. CLAY, P.S.C.

CLAY & DANIEL, LLC

917 Lily Creek Road

Louisville, KY 40243

(502) 561-2005

tclay@tclaylaw.com

VERIFICATION

I, Carl Reesor, state that I have read the foregoing Verified Complaint and the statements contained therein are true to the best of my knowledge and belief.

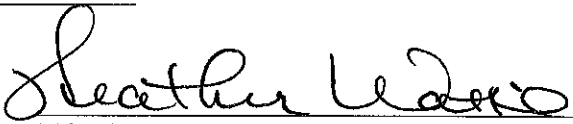


CARL REESOR

STATE OF KENTUCKY)
)SS
COUNTY OF JEFFERSON)

Subscribed and sworn to before me by Carl Reesor on this 1st day of June, 2021, to be his free act and voluntary deed.

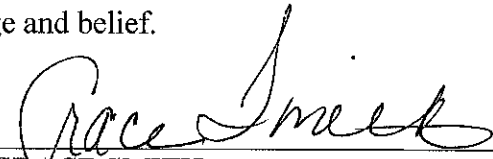
My commission expires: 7-27-2022.



NOTARY PUBLIC
KENTUCKY STATE AT LARGE

VERIFICATION

I, Grace Smith, state that I have read the foregoing Verified Complaint and the statements contained therein are true to the best of my knowledge and belief.



GRACE SMITH

STATE OF KENTUCKY)
)SS
COUNTY OF JEFFERSON)

Subscribed and sworn to before me by Grace Smith on this 01 day of June, 2021, to be his free act and voluntary deed.

My commission expires: 7-27-2022.



NOTARY PUBLIC
KENTUCKY STATE AT LARGE