

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION**

Case No. _____

Electronically Filed

**CHRISTOPHER FREEMAN
106 E. 14th Street
Benton, Kentucky 42025**

Plaintiff

vs.

MARSHALL COUNTY

**Serve: Judge/Executive Kevin Neal
1101 Main Street
Benton, KY 42025**

and

**EDDIE MCGUIRE,
Both in his Official Capacity as Sheriff
and in his Individual Capacity
1026 Starks Cemetery Road
Hardin, Kentucky 42028**

and

**KEVIN SPRAGGS,
Both in his Official Capacity as
Commissioner and in his
Individual Capacity
2005 Phelps Road
Benton, Kentucky 42025**

and

**BRIAN ANDRUS,
Both in his Official Capacity as
Fire Chief and in his Individual Capacity
1483 Slickback Road
Benton, Kentucky 42025**

and

CIVIL ACTION NO. 5:22-cv-57-TBR

SENIOR JUDGE THOMAS B. RUSSELL

COMPLAINT WITH JURY DEMAND

UNKNOWN DEFENDANTS)
Names and addresses unknown)
)
Defendants)

COMPLAINT AND JURY DEMAND

Come now the Plaintiff, Christopher Freeman, by and through counsel, and for his
Complaint against Defendants, states as follows:

PARTIES AND JURISDICTION

1. At all times relevant hereto, Plaintiff Christopher Freeman was a resident and citizen of Marshall County, Kentucky.
2. At all times relevant hereto, Defendant Marshall County (“County”) operates as a political subdivision of the Commonwealth of Kentucky under all relevant statutes, and is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, and KRS §344, et seq.
3. At all times relevant hereto, Defendant Commissioner Kevin Spraggs was a resident and citizen of Kentucky.
4. At all times relevant hereto, Defendant Sheriff Eddie McGuire was a resident and citizen of Kentucky.
5. At all times relevant hereto, Defendant Fire Chief Brian Andrus was a resident and citizen of Kentucky.
6. Through information and belief, Unknown Defendants have participated in the actions giving rise to Plaintiff’s causes of action.
7. Plaintiff is employed by Defendant in Marshall County, Kentucky, and the employment practices complained of herein all occurred in Marshall County, Kentucky.

8. Subject matter jurisdiction exists in this Court under 42 U.S.C. §2000, 28 U.S.C §1331, and 28 USC §1367 and other applicable laws.

9. This Complaint has been filed within the statute of limitations period established for the claims arising herein.

10. Original jurisdiction is appropriate in this Court based upon subject matter jurisdiction.

11. Venue in the Western District of Kentucky is appropriate pursuant to 28 U.S.C. §1391 in that a substantial part of the events giving rise to the claim occurred within this district.

ADMINISTRATIVE REQUIREMENTS

12. Within 300 days of the conduct set forth below, Plaintiff filed a charge of Discrimination (“Charge”) with the Equal Employment Opportunity Commission, Charge No. 474-2021-00580 against Marshall County alleging discrimination on the basis of his disability and retaliation for his reports of disability discrimination and sexual harassment in violation of Title VII of the Civil Rights Act of 1964, as amended.

13. On or about February 24, 2022, the EEOC issued Plaintiff a Right to Sue letter (See attached).

14. Plaintiff received his Right to Sue in accordance with 42 U.S.C. §2000e5(f)(1).

15. Plaintiff has filed the instant action within 90 days of receipt of the Right to Sue.

16. Plaintiff has exhausted his administrative requirements pursuant to 29 C.F.R. §1614.407(b).

FACTS RELEVANT TO ALL CLAIMS

17. Plaintiff was hired by County as 911 Director on or around May 6, 2019, in order to run the 911 Dispatch Center (“911”) and to oversee the project to build a regional 911 dispatch center in Marshall County.

18. During his employment, Plaintiff has been subjected to a continuing pattern of discrimination and harassment based on his disability of a hearing impairment. The discriminatory conduct against Plaintiff began at Defendant County even prior to his employment, when an anonymous letter was sent to members of the Fiscal Court, including the individual Commissioners, by someone working for Defendant County, stating that Plaintiff was “unfit for duty” due to his hearing disability. Since the contents of the letter almost precisely mirrored the discriminatory statements Defendant Commissioner Spraggs made to Plaintiff, it is clear that Defendant Spraggs and the County instigated or, at the very least, engaged in the sending of the “anonymous” letter.

19. As of the general pattern of discrimination and harassment during his employment with Defendant County, on or around July 18, 2019, Plaintiff was subjected to discriminatory comments regarding his hearing disability by Defendant Commissioner Spraggs, including but not limited to, Defendant Commissioner Spraggs telling Plaintiff that he, Spraggs, believed that Petitioner was unable to do his job, being in deaf in one ear. Following the incident, Plaintiff reported the incident to his direct supervisor, Kevin Neal.

20. Plaintiff complained repeatedly about the continuing hostile working environment that he endured with Defendant County based on the illegal and discriminatory conduct and comments regarding Plaintiff’s hearing disability. On or around August 19, 2019, Plaintiff filed a written complaint in accordance with Section 5.45 of the Administrative Code with Defendant

County that was delivered to the Marshall County Fiscal Court, and directly to Defendant Commissioner Spraggs, about his disability discrimination-related concerns.

21. Defendant County failed to provide a written response to Plaintiff's complaint of disability discrimination, nor did they follow the complaint or grievance procedures required under Section 5.45 of the County's Administrative Code.

22. As a result of his complaints of disability discrimination, Plaintiff was subjected to retaliation by Defendant County and Defendant Commissioner Spraggs. Most specifically, following his complaints, Defendant Commissioner Spraggs, on behalf of himself and Defendant County, has taken numerous direct retaliatory actions against Plaintiff. Defendant Commissioner Spraggs has, in fact, specifically targeted Plaintiff to criticize, disparage, and demean his person, his position, his work for Defendant County, and his ability to do his job for the County, including his ability to manage his budget and his employees. Defendant Commissioner Spraggs has used his position with the County to take numerous direct retaliatory actions against Plaintiff in his job, including but not limited to, verbally denouncing the need for Plaintiff's position to continue with the County, and specifically voting "no" on any funding bill for a new 911 regional dispatch center, which resultingly prevents Plaintiff from performing the primary job he was hired to perform. Defendant Commissioner Spraggs also consistently denied any other funding for Plaintiff's department, personally attacked Plaintiff's job qualifications, publicly criticized Plaintiff and his staff, and publicly instigated and supported efforts to remove Plaintiff from his employment.

23. In or around February 17, 2020, it was reported to Plaintiff as the 911 Director that one of his employees had been sexually harassed by a Sheriff's Deputy while on duty.

24. Plaintiff, as 911 Director, reported the sexual harassment incident to the Human Resources Department of Defendant County and to Defendant Sheriff McGuire.

25. As a result of his reporting of an employee's sexual harassment complaint, Plaintiff was subjected to retaliation by Defendant Sheriff McGuire. In direct response to Plaintiff's reporting of one of his employee's complaint of sexual harassment by a Sheriff's deputy, Defendant Sheriff McGuire himself, and by and through actions of others he directed, has taken numerous retaliatory actions against Plaintiff, including but not limited to: disparaging his employee, the victim of sexual harassment, interrogating her for multiple hours during her work shift without informing Plaintiff, her supervisor. Defendant Sheriff McGuire himself, and by and through others he directed, and with the support of other County officials, also repeatedly harassed and disparaged the work of Plaintiff and interfered with the work of all other employees of the 911 Call Center, including but not limited to placing a black garbage bag on the door from the 911 Call Center, which leads to the shared common area, in a successful effort to prevent 911 employees from accessing that area. In addition, Defendant Sheriff McGuire himself, and by directing others, and with the support of other County officials, disseminated false and defamatory narratives to the media to portray Plaintiff in a negative light.

26. Following his complaint of sexual harassment and disability discrimination, Defendant County, Defendant Sheriff McGuire, and Defendant Commissioner Spraggs began colluding with each other to retaliate against Plaintiff. These acts of retaliation and direct hostility toward Plaintiff were openly discussed at meetings among County officials. Defendant Commissioner Spraggs and Defendant Sheriff McGuire, with the assistance of other County officials, demanding in such meetings that others assist in undermining Plaintiff's position with the County.

27. In or around August 2020, Defendant Sheriff McGuire, Defendant Commissioner Spraggs, and Defendant Fire Chief Andrus, spearheaded a conspiracy to attempt to oust Plaintiff from his job from the County during a Fire Chief's Meeting. Specifically, they, including Commissioner Monti Collins, enumerated their conspiracy to oust Plaintiff from his job, demanding that these other City and County employees join their plot so that Plaintiff be made to "take his beating" and be fired. In order to accomplish this conspiracy, they urged those present to assist in convincing County Commissioner Lamb to "side with them" in pushing Plaintiff out; to help enlist the media to stir up community animosity towards Plaintiff, especially by using the "radio communications" to make it relatable to the public; to lock up all spending on the new "911 Center" to stop construction; and to remove Plaintiff from the Judge/Executive's supervision and establish a new Board over "911" that would then promptly terminate Plaintiff from his job. Directly after this meeting, Commissioner Collins stated to Plaintiff, "you can't beat a Sheriff's PR campaign". The radio communications narrative against Plaintiff has persisted for more than two years.

28. Plaintiff has complained about the ongoing retaliation on multiple occasions during his employment with Defendant County, including to the Judge/Executive, Deputy Judge/Executive, the Fiscal Court, County Attorney Jason Darnell, Human Resources, to Defendant Commissioner Spraggs and to Defendant Sheriff McGuire. As a result of these complaints, Petitioner was subjected to additional retaliation, including but not limited to Defendants' stirring up community animosity towards Plaintiff and "locking up" spending on the new 911 Center, so as to prevent Plaintiff from succeeding in his job.

29. On or around August 27, 2020, Plaintiff filed a formal complaint with the Deputy Judge/Executive regarding the harassment, hostile work environment, and retaliation he was

receiving at his employment with Defendant County, and asking for protection and relief for himself, as well as his 911 staff.

30. Following his formal complaint, Defendant Commissioner Spraggs, on behalf of the County, Defendant Fire Chief Andrus, and Defendant Sheriff McGuire continued to retaliate against Plaintiff, including but not limited to, circulating a petition of no-confidence in Plaintiff, asking other counties to not join the regional Marshall County 911 center in a published article, and holding a rally to incite the community against Plaintiff.

31. On several occasions following Plaintiff's complaints, Defendant Commissioner Spraggs also began to vote against paying for invoices for work done or materials procured for the 911 center, despite such invoices having been previously approved. Specifically, on September 8, 2020, Defendant Commissioner Spraggs stated that he would not approve any future bills related to the construction of the Regional 911 Call Center.

32. Following Defendant Commissioner Spraggs' denial of payment's related to the 911 Call Center, Defendant Commissioner Spraggs further retaliated against Plaintiff by defaming Plaintiff, using media outlets to falsely accuse Plaintiff of "obscene" spending and non-compliance with procurement processes, for monies Defendant Commissioner Spraggs and the Fiscal Court, themselves, allocated, and the County Treasurer issued approved purchase orders for.

33. Defendant Andrus continued to retaliate against Plaintiff, including but not limited to, using his official capacity to intimidate Plaintiff by blocking the road with his official vehicle, flashing his lights, and forcing Plaintiff to speak with him outside of Plaintiff's house while Defendant Fire Chief Andrus sat in his vehicle. Additionally, Defendant Fire Chief Andrus

further retaliated spreading disparaging, false, and/or misleading statements regarding Plaintiff on social media.

34. In or around October 13, 2020, Plaintiff filed a complaint against Defendant Fire Chief Andrus with the Kentucky State Police, over unethical behavior toward Plaintiff and his 911 staff.

35. On or around February 4, 2021, following an article from the WPSD regarding a denied open records request to Defendant Sheriff McGuire, Marshall County Judge/Executive requested the County's radio assets and programming vendor from Defendant Sheriff McGuire, which he refused to provide. In direct retaliation, Defendant Sheriff McGuire sent an Open Records Request for all emails between Plaintiff's, Judge Neal, and Plaintiff's vendor. In response to this request, County Attorney Jason Darnell denied Defendant Sheriff McGuire's request, through no fault of Plaintiffs. At this time, Defendant Commissioner Spraggs used this to further publicly defame and falsely portray Plaintiff, blaming Plaintiff for the denied request, and further defaming Plaintiff for alleged spending which the Fiscal Court previously approved, and which is standard in 911 centers.

36. On or around February 8, 2021, following a request by Plaintiff to hold an informational meeting concerning the spending at the 911 center with members of the Fiscal Court, County Attorney Jason Darnall contacted Plaintiff regarding concerns with a quorum of the Fiscal Court being present at the meeting. At this time, Plaintiff complained about a quorum being present at the rally concerning the petition of no-confidence against Plaintiff, with no issues from County Attorney Darnall objecting.

37. On or about February 9, 2021, Defendant Commissioner Spraggs and Defendant Sheriff McGuire made additional false and inflammatory statements to media about the 24/7

intensive use chairs and the icemaker for the 911 center, which were both previously approved by the Fiscal Court.

38. On or around June 9, 2021, Defendant Commissioner Spraggs made a retaliatory motion to deny paying for 24/7 intensive use chairs that Plaintiff had followed the proper procurement processes to obtain. By Statute the county can only deny an illegal or unjust bill. Furthermore, in a meeting with Judge Executive Kevin Neal, Plaintiff and Commissioner Justin Lamb, Commissioner Lamb directed Plaintiff to reduce the number of 24/7 intensive use chairs purchased from 9 chairs to 7 chairs and he would support the purchase. Plaintiff followed the directive. Despite this, the motion was granted and Commissioner Lamb had been convinced to side with Defendant Spraggs and Commissioner Collins, voting not to pay the invoice for the already purchased and delivered chairs. On several occasions, Judge Executive Kevin Neal publicly stated in Fiscal Court meetings that no other department head is unfairly treated the way Plaintiff is, and no other employees invoices have ever been denied, even when, unlike Plaintiffs, their purchases have not been procured properly by law. Despite this, the motion was granted. Defendant Commissioner Spraggs used this to further defame and retaliate against Plaintiff in the local media.

39. On or around July 6, 2021, Defendant Commissioner Spraggs, in an effort to further retaliate against Plaintiff, made a motion to not pay yet another vendor that Items were properly procured from.

40. From in or around July 6, 2021, to July 20, 2021, Defendant Commissioner Spraggs and Defendant Sheriff McGuire used the news media, and social media, to post inflammatory statements to incite the public over the false narrative of excessive spending for 911, despite 911 being \$250,000 under budget in 2021.

41. In or around July 20, 2021, Plaintiff read a formal statement to the Fiscal Court outlining the ongoing illegal work environment and continued retaliation he, and his employees, have been subjected to since his complaints of disability discrimination and sexual harassment, stating that it is preventing him from completing his job duties. Immediately following Plaintiff's statement, Defendant Commissioner Spraggs made a retaliatory motion to have the County Attorney draft an ordinance to place Plaintiff's employment under the supervision of a board so they can fire him and manage his spending. Plaintiff was directly advised that County Attorney Jason Darnall was working with Defendant Fire Chief Andrus to draft this ordinance for a Board and the intent of the Board was to fire Plaintiff, as the initial August 2020 conspiracy meeting had planned.

42. Plaintiff complained on multiple occasions to Defendant County about a pattern of disparaging, crude, and offensive sexually charged "memes" being posted online about Plaintiff on the County's social media page. Defendant County failed to provide any remedial measures, as required by Section 5.48 of the County Administrative Code.

43. In or around September 22, 2021, Plaintiff filed his EEOC Charge against Defendant County.

44. On or around November 5, 2021, due to the severe emotional distress Plaintiff suffered due to the constant retaliation and harassment of Plaintiff by Defendants, Plaintiff was forced to take leave due to a medical condition.

45. Following Plaintiff's filing of his EEOC complaint, and in direct retaliation for the same, as well as for his prior complaints and for the use of his medical leave, all Defendants continued their pattern of direct retaliation against Plaintiff. Defendant County even retaliated by disseminating Plaintiff's private health information to the community at-large and exhausting

Plaintiff's vacation time, despite a request to use his compensatory time, instead of allowing him to use his previously approved compensatory time.

46. Plaintiff complained to Defendant County, regarding the discriminatory and retaliatory use of his vacation time. To date, Defendant County has refused to take remedial action.

47. Following Plaintiff's return from medical leave on or around February 21, 2022, all Defendants have continued their pattern of retaliation and career assassination, including but not limited to, spreading false and malicious statements to the community as a part of their respective campaigns for public office.

48. To date, all Defendants have continued their pattern of discrimination, harassment, and the circulation of false and misleading narratives, including but not limited to, heavily focusing on Defendant Sheriff McGuire, Defendant Fire Chief Andrus and other First Responders radio communication issues that pre-dated Plaintiff's employment, in order in order to further their ongoing efforts to retaliate against Plaintiff and have made Plaintiff the target of their political campaigns.

49. To date, Defendant County has refused to take remedial action to protect Plaintiff despite his numerous complaints, insisting that there is nothing they can do to protect Plaintiff from the ongoing and continuing discriminatory and retaliatory work environment.

50. The aforementioned spending and personnel matters are typically handled internally by the Fiscal Court. However, Defendants have allowed these matters to be played out in the public, in an effort to retaliate and publicly defame Plaintiff.

51. As a direct result of Defendant's acts or failures to act stated herein, Plaintiff has suffered and continues to suffer irreparable harm, including but not limited to pain and suffering, emotional distress, and mental anxiety for which he is entitled to compensation.

52. Through information and belief, Unknown Defendants have participated in the actions giving rise to Plaintiff's causes of action. Plaintiff reserves the right to amend this Complaint during the course of discovery.

COUNT I
DISABILITY DISCRIMINATION
(Defendant Marshall County)

53. Plaintiff herein incorporates by reference all allegations previously set forth in this Complaint, the same as if set forth verbatim herein.

54. The actions described herein created a hostile and discriminatory work environment based on Plaintiff's disabilities, in violation of Title VII of the Civil Rights Act of 1964, as amended, and KRS § 344, et seq.

55. As a direct and proximate result of Plaintiff's conduct described herein, Plaintiff has suffered mental and emotional distress, for which he should receive compensatory and punitive damages as well as his reasonable attorney fees and costs.

COUNT II
RETALIATION (TITLE VII & KRS 344)
(Defendant Marshall County)

56. Plaintiff herein incorporates by reference all allegations previously set forth in this Complaint, the same as if set forth verbatim herein.

57. Once Plaintiff complained of the illegal hostile work environment regarding both disability discrimination and sexual harassment, Defendant Marshall County took numerous retaliatory acts against Plaintiff.

58. As a direct and proximate result of Defendant's conduct herein, Plaintiff has suffered a loss of income and benefits, severe emotional distress and mental anxiety, all for which he should be compensated.

COUNT III
TORTIOUS INTERFERENCE WITH A BUSINESS RELATIONSHIP
**(Defendant Sheriff McGuire, Defendant Commissioner Spraggs,
Defendant Fire Chief Andrus & Unknown Defendants)**

59. Plaintiff herein incorporates by reference all allegations previously set forth in this Complaint, the same as if set forth verbatim herein.

60. Plaintiff had a valid business relationship or expectancy with County.

61. Defendants Sheriff McGuire, Defendant Commissioner Spraggs, Defendant Fire Chief Andrus, and Unknown Defendants knew that Plaintiff had a valid business relationship or expectancy with County.

62. Defendants intentionally and improperly interfered with the business relationship between Plaintiff and County when they have continually retaliated against Plaintiff and attempted to ouster Plaintiff from his job with County.

63. Defendants' actions rise to the level of gross negligence and/or intentional and/or wanton or reckless behavior.

64. As a direct and proximate result of Defendants' intentional and tortious interference with Plaintiff's business relationship with Defendant County, Plaintiff has suffered a loss of income and benefits, and emotional distress and mental anxiety, for all of which he should receive both compensatory and punitive damages.

COUNT IV
DEFAMATION
**(Defendant Sheriff McGuire, Defendant Commissioner Spraggs, Defendant Fire Chief
Andrus & Unknown Defendants)**

65. Plaintiff herein incorporates by reference all allegations previously set forth in this Complaint, the same as if set forth verbatim herein.

66. Defendants Sheriff McGuire, Defendant Commissioner Spraggs, Defendant Fire Chief Andrus, and Unknown Defendants have made false and/or defamatory statements about Plaintiff to one or more persons in Marshall County and the surrounding communities, including but not limited to publishing false and defamatory statements to the news media.

67. As a direct and proximate result of the false and/or defamatory statements made by Defendants, Plaintiff has suffered damages to his reputation and emotional distress and mental anxiety, for all of which he should receive both compensatory and punitive damages.

COUNT V
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/ OUTRAGE
**(Defendant Sheriff McGuire, Defendant Commissioner Spraggs,
Defendant Fire Chief Andrus, & Unknown Defendants)**

68. Plaintiffs herein incorporate by reference all allegations previously set forth in this Complaint, the same as if set forth verbatim herein.

69. Defendant Sheriff McGuire, Defendant Commissioner Spraggs, Defendant Fire Chief Andrus, and Unknown Defendants' harassment, discrimination, and retaliatory actions directed against Plaintiff is and continues to be intentional, and rise to the level of gross negligence and/or intentional and/or wanton or reckless behavior. Defendants' conduct is and continues to be so outrageous and intolerable as to offend generally accepted standards of morality and decency. Kroger Co. v. Willgruber, 920 S.W.2d 61.

70. As a direct result of the Defendants' actions as set forth above, Plaintiff has and continues to suffer from severe and irreparable harm and injury, including but not limited to, severe emotional distress and mental anxiety, and loss of good standing in their community, for which punitive damages should be awarded.

COUNT VI
RETALIATION – KRS 344
(Defendant Sheriff McGuire & Defendant Commissioner Spraggs)

71. Plaintiff herein incorporates by reference all allegations previously set forth in this Complaint, the same as if set forth verbatim herein.

72. Once Plaintiff complained of the illegal hostile work environment regarding both disability discrimination and his report of sexual harassment, Defendant Sheriff McGuire and Defendant Commissioner Spraggs took numerous retaliatory acts against Plaintiff.

73. As a direct and proximate result of Defendant's conduct herein, Plaintiff has suffered a loss of income and benefits, severe emotional distress and mental anxiety, all for which he should be compensated.

COUNT VII
INVASION OF PRIVACY – FALSE LIGHT
**(Defendant Sheriff McGuire, Defendant Commissioner Spraggs
Defendant Fire Chief Andrus, & Unknown Defendants)**

74. Plaintiff herein incorporates by reference all allegations previously set forth in this Complaint, the same as if set forth verbatim herein.

75. Defendant Sheriff McGuire, Defendant Commissioner Spraggs, Defendant Fire Chief Andrus, and Unknown Defendants unreasonably, knowingly, and recklessly published false and misleading statements to the media and community at-large about Plaintiff that portrayed Plaintiff in a false light.

76. The false light in which Defendants placed Plaintiff would be highly offensive to a reasonable person. All actions by Defendants rise to the level of gross negligence and/or intentional and/or wanton or reckless behavior.

77. As a direct and proximate result of Defendants' conduct herein, Plaintiff has suffered a loss of income and benefits, severe emotional distress and mental anxiety, all for which she should be compensated.

COUNT VIII
VIOLATION OF 42 U.S.C. § 1983
Fourteenth Amendment
**(Defendant Sheriff McGuire, Defendant Commissioner Spraggs,
Defendant Fire Chief Andrus & Unknown Defendants)**

78. Plaintiff herein incorporate by reference all allegations previously set forth in this Complaint, the same as if set forth verbatim herein.

79. Plaintiff had a right, through the Fourteenth Amendment to the United States Constitution, to the equal protection of the law.

80. Plaintiff, through his disability, was a member of a protected class.

81. As set out in the facts above, Defendants, individually and in their official capacities, acting under color of law and with reckless disregard for Plaintiff's mental well-being, deprived Plaintiff of his Constitutional rights when they denied Plaintiff his right to the Equal Protection of Law.

82. As a direct and proximate result of Defendants' conduct described herein, Plaintiff has suffered significant damages, including but not necessarily limited to severe emotional distress, for all of which he should receive both compensatory and punitive damages.

WHEREFORE, the Plaintiff, Christopher Freeman, demands judgment against the Defendants as follows:

- A. For all compensatory, emotional distress, and punitive damages with respect to statutory and common law claims in an amount being just;
- B. For an award of reasonable costs and attorney fees; and

C. For any and all other equitable and legal relief to which Plaintiff appears entitled.

Respectfully submitted,

s/ Dominic A. Capano

Dominic A. Capano (KBA #98724)

Barbara D. Bonar (KBA #42213)

Jack S. Gatlin (KBA #88899)

GATLIN VOELKER, PLLC

50 E. Rivercenter Blvd., Ste. #1275

Covington, Kentucky 41011

(859) 781-9100

dcapano@gatlinvoelker.com

bbonar@gatlinvoelker.com

jgatlin@gatlinvoelker.com

JURY DEMAND

Plaintiff herein demands a trial by jury.

/s/ Dominic A. Capano

Dominic A. Capano

JS 44 (Rev. 04/21)

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

Christopher Freeman

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

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

Barbara D. Bonar, Gatlin Voelker, PLLC
50 E. Rivercenter Blvd, Ste 1275, Covington, KY 41011

DEFENDANTS

Marshall County, et al.

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

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

Attorneys (If Known)

Jeff Mando

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

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 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)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | ☒ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☒ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☒ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

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 (specify) ☐ 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):

Title VII of the Civil Rights Act of 1964, as amended; 42 U.S.C. § 1983

Brief description of cause:

Employment Discrimination, Retaliation, Deprivation of Rights

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: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky 

Christopher Freeman

Plaintiff(s)

v.

Marshall County, Kevin Spraggs, Eddie McGuire,
Brian Andrus & Unnamed Defendants*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Brian Andrus,
Both in his Official Capacity as Fire Chief and in his Individual Capacity
1483 Slickback Road
Benton, Kentucky 42025

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:

Dominic A. Capano
Gatlin Voelker, PLLC
50 East Rivercenter Blvd., Ste 1275
Covington, KY 41011
Attorney for Plaintiff, Christopher Freeman

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

Civil Action No. _____

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:

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky 

Christopher Freeman

Plaintiff(s)

v.

Marshall County, Kevin Spraggs, Eddie McGuire,
Brian Andrus & Unnamed Defendants*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Eddie McGuire,
Both in his Official Capacity as Sheriff and in his Individual Capacity
1026 Starks Cemetery Road
Hardin, Kentucky 42028

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:

Dominic A. Capano
Gatlin Voelker, PLLC
50 East Rivercenter Blvd., Ste 1275
Covington, KY 41011
Attorney for Plaintiff, Christopher Freeman

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

Civil Action No. _____

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:

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky 

Christopher Freeman

Plaintiff(s)

v.

Marshall County, Kevin Spraggs, Eddie McGuire,
Brian Andrus & Unnamed Defendants*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Kevin Spraggs,
Both in his Official Capacity as Commissioner and in his Individual Capacity
2005 Phelps Road
Benton, Kentucky 42025

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:

Dominic A. Capano
Gatlin Voelker, PLLC
50 East Rivercenter Blvd., Ste 1275
Covington, KY 41011
Attorney for Plaintiff, Christopher Freeman

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

Civil Action No. _____

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

Western District of Kentucky 

Christopher Freeman

Plaintiff(s)

v.

Marshall County, Kevin Spraggs, Eddie McGuire,
Brian Andrus & Unnamed Defendants*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Marshall County
PLEASE SERVE: Judge/Executive Kevin Neal
1101 Main Street
Benton, Kentucky 42025

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:

Dominic A. Capano
Gatlin Voelker, PLLC
50 East Rivercenter Blvd., Ste 1275
Covington, KY 41011
Attorney for Plaintiff, Christopher Freeman

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

Civil Action No. _____

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: