

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
JOSEPH GLOVER

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
Joshua Gale, Wiggins Childs Pantazis Fisher Goldfarb LLC
101 N Woodland Blvd, Suite 600, DeLand, FL 32720 (386-675-6946);
jgale@wigginschilds.com

DEFENDANTSCity of Pensacola, Ashton Hayward, Eric Olson, Edward Sisson,
Tracy Walsh, and Keith Wilkins

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
- ☒ 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	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 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):
Civil Rights Act of 1991, 42 U.S.C. Section 1981a; 42 U.S.C. Section 1983

Brief description of cause:
Discrimination and retaliation

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

12/21/2016

SIGNATURE OF ATTORNEY OF RECORD

/s/ Joshua R. Gale

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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- 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. When the petition for removal is granted, check this box.
 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.

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

JOSEPH GLOVER,)	
)	
PLAINTIFF,)	
)	CIVIL ACTION NO.:
V.)	CV-
)	
CITY OF PENSACOLA, ASHTON HAYWARD, ERIC OLSON, EDWARD SISSON, TRACY WALSH, and KEITH WILKINS)	JURY DEMAND
)	
DEFENDANTS.)	

COMPLAINT

I. INTRODUCTION

This is an action for declaratory judgment, equitable relief and money damages, instituted to secure the protection of and to redress the deprivation of rights secured through Title VII of the Civil Rights Act of 1964, as amended, including the Civil Rights Act of 1991, and 42 U.S.C. §1981a; and through 42 U.S.C. §1981 (via 42 U.S.C. §1983).

II. JURISDICTION, VENUE AND ADMINISTRATIVE PREREQUISITES

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1343, 2201 and 2202. Venue is proper in the Northern District of Florida

under 28 U.S.C. § 1391(b).

2. Plaintiff has fulfilled all conditions precedent to the institution of this action under Title VII of the Act of Congress known as the Civil Rights Act of 1964, as amended, the Civil Rights Act of 1991, and 42 U.S.C. § 2000e *et seq.*

3. Plaintiff timely filed his charge of discrimination within 180 days of the occurrence of the last discriminatory act. Plaintiff also timely filed his lawsuit within 90 days of the receipt of his Right-To-Sue Letters from the EEOC.

III. PARTIES

4. Plaintiff, Joseph Glover, is a black male, a citizen of the United States, and a resident of the State of Florida.

5. Defendant City of Pensacola (hereinafter, “City”) is an entity subject to suit under Title VII and 42 U.S.C. § 1981 (via 42 U.S.C. § 1983).

6. Defendant Ashton Hayward (hereinafter “Mayor Hayward”) is the Mayor of the City of Pensacola and is subject to suit in his individual and official capacity under 42 U.S.C. § 1981 (via 42 U.S.C. § 1983).

7. Defendant Eric Olson is the City Administrator for the City of Pensacola and is subject to suit in his individual capacity and official capacity under 42 U.S.C. § 1981 (via 42 U.S.C. § 1983).

8. Defendant Edward Sisson is the Chief Human Resources Officer for the City of Pensacola and is subject to suit in his individual capacity and official

capacity under 42 U.S.C. § 1981 (via 42 U.S.C. § 1983).

9. Defendant Tracy Walsh is the Assistant HR Manager for the City of Pensacola and is subject to suit in her individual capacity and official capacity under 42 U.S.C § 1981 (via 42 U.S.C. § 1983).

10. Defendant Keith Wilkins is the Assistant City Manager of the City of Pensacola and is subject to suit in his individual and official capacity under 42 U.S.C. § 1981 (via 42 U.S.C. § 1983).

IV. FACTS

A. Background Information

11. Plaintiff Joseph Glover, the Deputy Fire Chief of the Pensacola Fire Department, was employed with the Pensacola Fire Department from July 3, 1989 until his termination on or around May 10, 2016.

12. Matthew Schmitt (hereinafter, “Schmitt”), the Interim Chief of the Pensacola Fire Department, was employed with the Pensacola Fire Department from October 1, 1979 until his termination on or around May 10, 2016. He has filed a separate lawsuit also alleging retaliation at the hands of the same Defendants.

13. Plaintiff began his career as an Apprentice Firefighter and earned promotions until he was appointed as Deputy Fire Chief, and served as such until the date of his termination.

14. In the Deputy Fire Chief Role, Plaintiff reported directly to Schmitt. In the Interim Fire Chief role, Schmitt reported directly to the City Administrator, Eric Olson. The Mayor, Ashton Hayward, manages all city employees, including the Plaintiff, and the Chief Human Resources Officer, Ed Sisson, effectuates and manages the employment status of all City of Pensacola employees.

15. On September 3, 2015, Schmitt attended a meeting with Defendant Olson to discuss raises for exempt employees and non-bargaining unit employees.

16. In this meeting, Schmitt relayed concerns to Defendant Olson about the racially motivated discrimination that Plaintiff was experiencing from the Chief Human Resources Officer, Defendant Sisson.

17. In this same meeting, Schmitt also relayed concerns to Defendant Olson that Plaintiff was not being paid appropriately due to similar racial animus on behalf of Defendant Sisson.

18. On September 30, 2015, Schmitt again met with Defendant Olson and expressed his concerns over the racial discrimination that Plaintiff was experiencing.

19. Defendant Olson did nothing to address the concerns expressed by Schmitt in either of the September meetings, stating that Plaintiff simply needed to move on.

20. Plaintiff complained that his less qualified predecessor was paid more as

an Interim Deputy Chief, than he was paid as a Deputy Chief.

21. Plaintiff also complained that he was paid less than his predecessors despite the number of Deputy Chiefs being reduced from two to one.

22. On December 8, 2015, Plaintiff filed an EEOC charge against the City for racial discrimination due to discrepancies in pay, and a perpetual workplace environment of harassment and discrimination.

23. On February 2, 2016, Plaintiff was informed by the Assistant City Administrator, Keith Wilkins, and the City of Human Resources Manager, Tracy Walsh, that he was to be placed on indefinite administrative leave.

24. On February 2, 2016, Plaintiff requested an administrative appeal to the personnel board.

25. On February 2, 2016, the City removed the section from the Human Resources Manual allowing for administrative appeal to the personnel board.

26. On February 9, 2016, Defendant Olson stated in an interview with News Radio 1620 that Plaintiff was placed on administrative leave in response to the EEOC complaint he filed.

27. Defendant Olson stated that they did so “to preserve the integrity of the investigation” and that the City was to “retain an outside counsel to conduct an investigation”.

28. Defendant Olson also stated that he did not know if it was standard

practice or not to suspend employees who filed EEOC complaints and could not “cite a specific instance of when [the City last did so]”.

29. In regard to the appeal procedure that changed the day the Fire Chiefs were placed on administrative leave, Defendant Olson stated that the change was made because “Under the new form of government, the mayor is given ultimate authority, and that’s delegated to the city administrator”.

30. Finally, Defendant Olson then inaccurately stated that the removed personnel board appeals process was a “legacy of the old civil service” system and that it was no longer needed. Yet staff analysis from the promulgation of the bill repealing the city’s civil service act explicitly states that “Upon repeal of the Civil Service Act, the City of Pensacola’s human resources office intends to create an Independent Personnel Board”.¹

31. Defendant Olson then concluded that the Plaintiff was “not being disciplined and this process is an entirely separate issue”.

32. On February 11, 2016, Plaintiff received a letter from Russell Van Sickle at the law firm of Beggs & Lane RLLP located in Pensacola, Florida, stating that he was to be conducting an investigation of the Plaintiff.

33. This letter from Van Sickle listed a variety of topics he was to be investigating, and specifically stated that “I am setting forth in this letter

¹ See http://podcast.newsradio1620.com/index.php/post/3509/Eric_Olson_-_Pensacola_City_Administrator for a full transcript of the interview with Defendant Olson.

allegations raised as to your management of the Fire Department that could potentially result in a disciplinary action. These allegations were raised by Edward Sisson, Human Resources Administrator”. Only briefly, at the end of the letter, did Van Sickle state “I have been made aware that you have filed an EEOC complaint, about which I would like to hear from you”.

34. Over the course of the next two and a half months, Plaintiff cooperated with all requests of the City and its “independent” investigator, Van Sickle.²

35. On April 29, 2016, the City released a copy of Van Sickle’s 132 page report to the media and the City website.

36. On May 10, 2016, Defendant Mayor Hayward and Defendant City of Pensacola terminated the employment of Plaintiff.

37. Plaintiff then initiated the formal, internal appeals process.

38. On June 7, 2016, the City formally denied said appeal and the termination became official.

39. On July 18, 2016, Plaintiff filed his last EEOC charge (charge # 425-2016-01016) related to racial discrimination and retaliation.

40. The failure of the City and the other Defendants to address and rectify the racial discrimination and retaliation that Plaintiff reported multiple times

² The notion that Van Sickle and his law firm conducted an independent investigation is farcical as the law firm of Beggs & Lane have a lengthy history of working with the city on numerous legal matters. See <https://www.scribd.com/document/312773146/B-L-Invoices>

amounts to a violation of Title VII and § 1981.

41. The decisions by the City and the other Defendants to retaliate against Plaintiff, refusing to address the discrimination and harassment he endured, subjecting him to a frivolous investigation, placing him on administrative leave, changing the appeals process in the HR Manual, and ultimately terminating his employment, amount to violations of Title VII and § 1981.

42. Defendants' retaliatory conduct against Plaintiff has caused him to suffer emotional distress, humiliation, and embarrassment.

43. Defendants have acted with malice and reckless disregard toward Plaintiff and his federally protected rights.

V. CAUSES OF ACTION

A. Count I — Retaliation

44. Plaintiff re-alleges and incorporates by reference paragraphs 1-43 above with the same force and effect as if fully set out in specific detail herein below.

45. Defendant City of Pensacola employed, discriminated, and retaliated against the Plaintiff by failing to rectify the harassment and discrimination complained of, by placing Plaintiff on administrative leave, by changing the appeals process, by subjecting him to an unwarranted and public investigation, by

ultimately terminating his employment, and by publicly demeaning his good name and record.

46. Defendant Ashton Hayward employed, discriminated, and retaliated against the Plaintiff by failing to rectify the harassment and discrimination complained of, by placing Plaintiff on administrative leave, by changing the appeals process, by subjecting him to an unwarranted and public investigation, by ultimately terminating his employment, and by publicly demeaning his good name and record.

47. Defendant Eric Olson employed, discriminated, and retaliated against the Plaintiff by failing to rectify the harassment and discrimination complained of, by placing Plaintiff on administrative leave, by changing the appeals process, by subjecting him to an unwarranted and public investigation, by ultimately terminating his employment, and by publicly demeaning his good name and record.

48. Defendant Edward Sisson employed, discriminated, and retaliated against the Plaintiff through his harassing and discriminatory conduct, by placing Plaintiff on administrative leave, by changing the appeals process, by subjecting him to an unwarranted and public investigation, by ultimately terminating his employment, and by publicly demeaning his good name and record.

49. This Count is brought against Defendant City of Pensacola (under

Title VII and §1981 via § 1983) and Defendants Hayward, Olson, and Sisson in their individual and official capacities (under § 1981 via § 1983).

50. Plaintiff engaged in protected activity by opposing his discrimination and participating in protected activity, by reporting racial discrimination in the workplace, filing EEOC Charges alleging discrimination and retaliation, by highlighting said discrimination and retaliation throughout the investigation, and by exercising his rights through the EEOC, Title VII and/or § 1981, and other protected activity.

51. In response to Plaintiffs engagement in protected activity, Defendants retaliated against Plaintiff by failing to address his reports of racial discrimination, placing him on administrative leave, changing the HR Manual, terminating his employment, failing to provide accumulated pay benefits upon termination, and disparaging his name, among other materially adverse employment actions.

52. A casual connection exists between the protected activity and Defendants' adverse actions.

53. Defendants failed to articulate a legitimate non-retaliatory reason for the materially adverse employment actions summarized above.

54. Defendants have no legitimate non-retaliatory reason for their conduct. Said retaliation was done maliciously, willfully, and with reckless disregard for the rights of Plaintiff.

55. Plaintiff suffered severe emotional distress, embarrassment, and humiliation because of Defendants' conduct.

56. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs alleged herein and this suit for backpay, declaratory judgment, injunctive relief, and compensatory and punitive damages is his only means of securing adequate relief.

57. Plaintiff is now suffering, and will continue to suffer, irreparable injury from Defendants' unlawful conduct as set forth herein unless enjoined by this Court.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court assume jurisdiction of this action and after trial:

58. Issue a declaratory judgment that the employment policies, practices, procedures, conditions and customs of Defendants violate the rights of Plaintiff secured by Title VII of the Act of Congress known as the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*, and 42 U.S.C. § 1981 by and through 42 U.S.C. §1983.

59. Grant Plaintiff a permanent injunction enjoining Defendants, its agents, successors, employees, attorneys, and those acting in concert with Defendants and at Defendants' request from continuing to violate Title VII of the Act of Congress

known as the Civil Rights Act of 1964, as amended, 42 U.S.C. § 1981 by and through 42 U.S.C. §1983.

60. Enter an Order requiring Defendants to make Plaintiff whole by reinstating him into the position he would have occupied in the absence of retaliation or awarding him front pay, awarding him back-pay (plus interest), nominal damages, lost seniority, benefits, loss of pension, compensatory damages, punitive damages, and post judgment interest.

61. Plaintiff further prays for such other relief and benefits as the cause of justice may require, including, but not limited to, an award of costs, attorneys' fees, and expenses.

PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY

Respectfully submitted,

/s/ Joshua R. Gale

Joshua R. Gale, Esquire

Florida Bar No. 63283

WIGGINS CHILDS PANTAZIS

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SERVE DEFENDANTS VIA CERTIFIED MAIL AT:

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