

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
ASHLAND DIVISION
CASE NO. 10-

YVONNE THOMPSON, CLAUDETTE
THOMAS and KENNETH VENCILL

PLAINTIFFS

VS.

COMPLAINT

CARMEN ELDRIDGE BLACK, Individually, and in her
official capacity as PROPERTY VALUATION
ADMINISTRATOR OF ROWAN COUNTY,
KENTUCKY

DEFENDANT

Come the Plaintiffs and for their complaint state as follows:

1. The Plaintiffs state that until December 6, 2010, they were all employed as Deputy Property Valuation Administrators with the Rowan County Property Valuation Administrator's Office.

2. The Defendant, Carmen Eldridge Black, assumed the position of Rowan County Property Valuation Administrator (hereinafter PVA) on December 6, 2010, and immediately caused the discharge of all three Plaintiffs for unlawful reasons that will be subsequently described in this complaint.

3. The Plaintiffs all assert that, until the time of their discharge, they performed ministerial duties as Deputy PVAs that did not involve the use of discretion or one subject to political discharge.

4. The Plaintiffs all assert they were fired in violation of their First Amendment Rights of speech and association. The Plaintiffs also assert that their

discharges constitute state law claims of wrongful discharge in that they were fired in violation of the public policy of the Commonwealth of Kentucky.

5. The Plaintiff, Yvonne Thompson, states that she had worked in the PVA's office in Rowan County for approximately four years prior to her discharge on December 6, 2010.

6. The Plaintiff, Yvonne Thompson, states that she was a candidate for the position of PVA in the May 2010 democratic election. The Plaintiff, Yvonne Thompson, states that she lost the hotly contested election in the democratic primary to the eventual winner, Carmen Eldridge Black.

7. The Plaintiff, Yvonne Thompson, states that during the campaign, she exercised her First Amendment rights by running for the office, campaigning for the office, and paying for political advertisements.

8. The Plaintiffs, Kenneth Vencill and Claudette Thomas, state they were active in campaigning for the Plaintiff, Yvonne Thompson, and exercised their First Amendment rights in campaigning for her, associating with her, and in talking to their friends and associates in a public manner.

9. The Defendant, Carmen Eldridge Black, during the campaign, utilized June Wells, a former PVA officer, as an authorized political operative during the campaign. During the campaign, June Wells frequently accompanied the Defendant, Carmen Eldridge Black, in campaign events and had authority to speak on behalf of Carmen Eldridge Black.

10. All three of the Plaintiffs had previously associated with long term PVA C. J. Baker, who was retiring after approximately 21 years of service as Property

Valuation Administrator in Rowan County. June Wells had previously worked in the PVA office, and had a public disagreement with C. J. Baker. As a result, there were political factions assembled in which the Plaintiffs were aligned with the outgoing PVA, C. J. Baker, and the Defendant, Carmen Eldridge Black, was associated with June Wells.

11. The Defendant, Carmen Eldridge Black, was victorious in the May 2010 primary, and was elected in the November 2010 general election. The Defendant, Carmen Eldridge Black, assumed office on December 6, 2010.

12. The day after the May 2010 primary, June Wells, who was speaking with either the implied or explicit permission of the Defendant, Carmen Eldridge Black, told the Plaintiff, Yvonne Thompson, "We won" and "see you can't say and do the things you did and get by with it". The Plaintiffs' allege that these comments were authorized by the Defendant, Carmen Eldridge Black, and were an admission that the Plaintiffs were going to be politically retaliated against for their First Amendment activities described elsewhere in this complaint.

13. The Plaintiffs allege that the Defendant, Carmen Eldridge Black, was on notice that, based on the Sixth Circuit Court of Appeals decision in the case of *Murphy v. Cockrell*, it is improper to retaliate against employees in a PVA office based on their First Amendment campaign activities. The Plaintiffs allege that their discharge was caused and motivated in a similar manner as what occurred in the case of *Murphy v. Cockrell*, 505 F.3d 446, 450 (6th Cir. 2007). Hence, the Defendant is not entitled to qualified immunity in that the events in this action occurred after the rendition of *Murphy v. Cockrell*.

14. The actions of the Defendant also violate the public policy of the Commonwealth of Kentucky.

15. All of the Plaintiffs, as a result of the Defendant's actions, have suffered humiliation, embarrassment and suffering.

16. All the Plaintiffs have experienced, and will likely to continue to experience, lost earnings.

17. The acts of the Defendant, Carmen Eldridge Black, in her individual capacity, were done intentionally, and with intent to retaliate and harm the Plaintiffs, thus subjecting her to punitive damages.

18. The actions taken against the Plaintiffs occurred while the Defendant(s) were acting under color of state law and is actionable both under 42 U.S.C. 1983 as a violation of the Plaintiffs' civil rights.

19. The Plaintiffs also allege a state law cause of action in that they were wrongfully discharged, and that the actions described elsewhere in this complaint also violate the public policy of the Commonwealth of Kentucky in that the law of the Commonwealth of Kentucky takes the position that you cannot retaliate against employees for their association in political campaigns.

Accordingly, the Plaintiffs seek relief as follows:

1. Judgment against the Defendant(s), individually, and in her capacity as Rowan County PVA, as to both the federal and state law claims;

2. An Order reinstating the Plaintiffs to their positions, including restoration of all lost benefits;

3. Compensation for the Plaintiffs' past humiliation, suffering and embarrassment;
4. An assessment of punitive damages in the amount of One Million Dollars on behalf of each of the Plaintiffs against the Defendant, Carmen Eldridge, in her individual capacity;
5. An order restoring all of the Plaintiffs' lost benefits, including recoupment of any lost earnings;
6. Trial by jury; and
7. Any and all other relief deemed appropriate, including attorney fees pursuant to 42 U.S.C. 1988.

RESPECTFULLY SUBMITTED,

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