

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

<b>PRISCILLA GOODWIN</b>	§	<b>CIVIL ACTION NO: 2:18-cv-00588</b>
<i>Plaintiff</i>	§	
	§	<b>UNASSIGNED DISTRICT JUDGE</b>
<b>VERSUS</b>	§	
	§	
<b>TODD A. D’ALBOR in his individual and official Capacity as Chief of Police for the Jennings Police Department, and the CITY OF JENNINGS</b>	§	<b>MAGISTRATE JUDGE KAY</b>
	§	
<i>Defendants</i>	§	
	§	<b>JURY DEMAND HEREIN</b>

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**PLAINTIFF’S SECOND AMENDED COMPLAINT**

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**NOW COMES** Plaintiff, **PRISCILLA GOODWIN**, by and through her attorney **JAMES E. SUDDUTH, III**, who files her Second Amended Complaint against the City of Jennings. She hereby states as follows:

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**JURISDICTION AND VENUE**

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1. Plaintiff brings this action under Title VII of the Civil Rights Act of 1964 as it appears at 42 U.S.C. § 2000e *et seq.*, and the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.*, 42 U.S.C. § 1983, and the First and Fourteenth Amendments of the United States Constitution.
2. This Court has jurisdiction pursuant to the following statutes:
  - a. 28 U.S.C. § 1331, which gives district courts original jurisdiction over civil actions arising under the Constitution, law or treaties of the United States;

- b. 28 U.S.C. § 1343 (3) and (4), which give district courts jurisdiction over actions to secure civil rights extended by the United States government;
3. It is a jurisdictional requirement of this Court that the Plaintiff has filed a charge with the Equal Employment Opportunity Commission (EEOC) prior to instituting action. Plaintiff met this requirement by filing her EEOC charge in-person on or about April 27, 2015 (Charge No. 461-2015-01192).
4. The EEOC mailed Plaintiff her Notice of Suit Rights on January 29, 2018. *See* Exhibit A. Plaintiff is afforded 90 days from her receipt of such Notice to commence suit, and the date of this filing is within the statutory period.
5. Venue is appropriate in this judicial district under 28 U.S.C. § 1391 (b) because the events that gave rise to this Complaint occurred in the Western District of Louisiana, specifically in Jefferson Davis Parish, making the Lake Charles Division the most appropriate Division for this suit.

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**PARTIES**

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6. Plaintiff is a citizen of the United States and resides in the city of Jennings, Parish of Jefferson Davis, State of Louisiana, which is in this judicial district.
7. At the time of the acts complained of herein, Plaintiff was approximately 49 years old and, as such, was a member of a protected class.
8. Plaintiff is African American and, as such, is a member of a protected class.
9. Plaintiff is a female and, as such, is a member of a protected class.
10. At all times relevant to this suit, Plaintiff worked as a Communications Officer/dispatcher for the City of Jennings Police Department. As such, Plaintiff was a public employee.

11. Defendant, **CITY OF JENNINGS**, is a municipal corporation organized and existing under the domestic laws of the State of Louisiana. Its principal place of business is located in the city of Jennings, Parish of Jefferson Davis, State of Louisiana.

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**FACTUAL ALLEGATIONS**

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12. Plaintiff began her employment with the Jennings City Police Department as a Communications Officer/dispatcher on June 30, 1988.

13. At the time of hire, Plaintiff earned a salary of \$4.91 per hour.

14. Plaintiff worked in her capacity as a Communications Officer/dispatcher until her resignation, which took effect on July 17, 2016. Plaintiff worked for the Jennings City Police Department for approximately 28 years.

15. By virtue of her employment longevity and superior work performance, Plaintiff received numerous pay raises. At the time of her resignation, Plaintiff was earning \$17.52 per hour.

16. Plaintiff did not receive any written or verbal reprimands during her extensive employment period with the Jennings City Police Department.

17. For over fifteen years, Plaintiff handled all Terminal Agency Communication (TAC) responses for the Department, coordinated all reports with the State of Louisiana, validated all records on a monthly basis, and handled the requisite audits every two (2) years. These tasks were not considered job duties of the Communications Officer position, and Plaintiff was paid overtime to perform such tasks.

18. Plaintiff experienced no problems with her employment until Todd D'Albor (hereinafter "D'Albor") was appointed Jennings Chief of Police in August 2010.

19. One afternoon, D'Albor stated, in the presence of multiple employees, that he "wasn't going to have a Klan in his Department." To African American employees like Plaintiff, the word "Klan" is extremely offensive and representative of slavery. At least one other employee heard D'Albor make this remark.
20. D'Albor allowed another employee, Heath Ewing, to continuously use the "N" word in the presence of African American employees. Plaintiff wrote a letter to D'Albor opposing the unacceptable use of the "N" word in the workplace, and D'Albor merely "suspended" Mr. Ewing for approximately three (3) days.
21. D'Albor subsequently allowed Mr. Ewing to work overtime so that he could recover the salary he would have lost had he truly been suspended. Thus, Mr. Ewing did not receive any repercussion for his continued use of the "N" word; in fact, he earned more money by virtue of being able to make up the time at time-and-a-half pay.
22. D'Albor only provided male employees with full uniforms. He refused, on multiple occasions, to provide female employees, particularly the dispatch unit, uniform trousers. He also refused to reimburse female employees for their self-purchased uniform trousers. Other female employees can and will attest to this fact.
23. During Plaintiff's employment, D'Albor was the only Chief that refused to provide full uniforms for female employees.
24. Upon his arrival, D'Albor told Plaintiff that she would have to perform the TAC responsibilities as part of her Communications Officer duties. D'Albor refused to allow Plaintiff to work overtime, and informed several Department employees that he would not pay Plaintiff \$30.00 per hour.

25. Rather than pay Plaintiff to continue her overtime TAC responsibilities, D'Albor began paying four (4) other individuals to perform the TAC tasks as "individual assignments."
26. On or about November 2011, D'Albor switched Plaintiff from a permanent day shift to a rotating shift of two weeks on nights, two weeks on days.
27. D'Albor also switched another dispatcher, Martha Amie (Age: 69), to the same rotating shift as Plaintiff. Ms. Amie was ultimately constructively discharged because she could not successfully make such a transition.
28. D'Albor demonstrated a pattern of discriminating against the older and more experienced employees within the Department. During Plaintiff's employment, many other experienced employees within the protected age class were either terminated or constructively discharged through the overt conduct of D'Albor. These individuals include, but are not limited to: Martha Amie, Michael Janise, Winston Guillory, Ryan Temple, Steve Gauthier.<sup>1</sup>
29. D'Albor, through his direction to Deputy Chief, Daniel Semmes, launched an illegal investigation against Plaintiff after maliciously alleging that she was in violation of La. R.S. §§ 33:25-60. In response thereto, Plaintiff submitted a letter, dated April 27, 2015, letter to Shawn O'Quinn with the Jennings Municipal Fire and Police Civil Service Board opposing what she believed to be illegal conduct on the part of D'Albor. *See* Exhibit B.
30. After several instances of what she reasonably believed to be unlawful discriminatory conduct on the part of D'Albor, Plaintiff filed an EEOC charge on or about April 25, 2017.

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<sup>1</sup> Several of these employees appealed their termination to the Civil Service Board, and the Board ultimately decided to reinstatement them due to wrongful termination.

31. After Plaintiff, filed her EEOC Charge, D'Albor began otherwise harassing Plaintiff, specific examples thereof as set forth below.
32. On one occasion, Plaintiff was suffering from unexplainable stomach pains, and, while awaiting test results that would determine her gall bladder needed to be removed. D'Albor, stated, "you ain't dead yet?" to which Plaintiff replied, "No, not dead yet." Following her gall bladder surgery, D'Albor sent numerous officers to her home to check that she was actually home and ill.
33. In May 2016, D'Albor suspended all lunch breaks previously afforded to the dispatch unit. Christopher Willis was the individual who informed Plaintiff and the other dispatchers of the decision to terminate their lunch breaks.
34. Plaintiff verbally opposed that she and other dispatchers were being denied a lunch break. She immediately went to speak to Deputy Chief Daniel Semmes, who merely told Plaintiff, "if you find the law and show it to me we will look at it."
35. In response to Deputy Chief Semmes's comment, Plaintiff contacted Cynthia Johnson with the State Examiners Office, located in Baton Rouge, Louisiana. After speaking with Ms. Johnson, who told Plaintiff that the denial of lunch breaks is illegal, Plaintiff and Peaches Guidry spoke to D'Albor about Plaintiff's conversation with Ms. Johnson. Ultimately, Plaintiff and the other dispatchers were allowed to take their lunch breaks once more.
36. D'Albor, through his agents and officers, contacted Plaintiff's unrelated, part-time employer in Elton, Louisiana to glean information that he could utilize to tarnish Plaintiff's name in regard to her position with the Jennings City Police Department.

37. Despite Plaintiff's extensive experience, D'Albor willingly paid younger dispatchers with significantly less experience with the Jennings Police Department a higher salary than Plaintiff earned after 28 years. Upon information and belief, Tiffany Mitchell (Age: 30's), and Heather Mitchell (Age: 30's) were given the same base pay (\$10.50) as Plaintiff, even though they each had less than one year of experience with the Department.<sup>2</sup> It took Plaintiff approximately 22 years to earn the base pay of \$10.50.

38. After the systemic harassment and discriminatory treatment, Plaintiff had no choice but to retire after 28 years of service on July 17, 2016.

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**FIRST CAUSE OF ACTION (against Defendant City of Jennings):**  
**AGE DISCRIMINATION IN EMPLOYMENT**  
*Pursuant to 29 U.S.C. 621 et seq.*

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39. Plaintiff incorporates and restates each of the above paragraphs as if fully set forth herein.

40. Plaintiff is over forty (40) years old and as such is a member of a protected class.

41. Plaintiff was qualified for her job as dispatcher and performed her functions satisfactorily. She received numerous raises over her 28 years of service, and she received no verbal or written reprimands during her extensive period of employment.

42. Plaintiff suffered material adverse employment action by: 1) being denied overtime opportunities previously afforded to her; 2) being transferred from a permanent day shift to a rotating day-night shift; and 3) being subjected to a hostile environment that ultimately led to her constructive discharge.

43. Defendant, through the overt acts of its agents, employees, and/or officers, treated others outside the protected class more favorably than Plaintiff. For example, two of the

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<sup>2</sup> Heather Mitchell was subsequently terminated from the Department after not performing her job appropriately.

younger dispatch personnel, Tiffany Mitchell and Heather Mitchell, were awarded \$10.50 per hour in base pay salary despite the fact that they had each been employed with the Jennings City Police Department less than one (1) year. It took Plaintiff 22 years to reach a base pay salary of \$10.50 per hour.

44. Age, and the accompanying experience, was a determining factor in treating Plaintiff less favorably than younger, similarly situated employees.
45. Upon good faith belief, based on disparate treatment, Plaintiff alleges that she was subjected to unlawful discrimination on the basis of her age.
46. Wherefore Plaintiff asks this Honorable Court to find the Jennings City Police Department liable for the violation of the Age Discrimination in Employment Act of 1967.

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**SECOND CAUSE OF ACTION:  
SEXUAL DISCRIMINATION IN EMPLOYMENT**  
*Pursuant to 42 U.S.C. 2000e et seq.*

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47. Plaintiff incorporates and restates each of the above paragraphs as if fully set forth herein.
48. Plaintiff is a woman and is therefore a member of a protected class.
49. Prior to appointment of D'Albor, Plaintiff was routinely provided with full uniform attire.
50. After D'Albor was named Chief of Police, he, in the course and scope of his employment, actively refused to provide women in the dispatch unit with uniform trousers, or to otherwise reimburse them after they purchased their own uniform pants. Other women in the Department will attest to such fact.
51. D'Albor, in the course and scope of his employment, provided all male Department personnel with full uniforms, including reserve officers.



52. Plaintiff's sex, female, was a determining factor in treating Plaintiff less favorably than male employees.

53. Upon good information and belief, based on disparate treatment, Plaintiff alleges that she was subjected to unlawful discrimination on the basis of her sex.

54. Plaintiff opposed what she perceived to be discriminatory treatment on the basis of her sex, female. The City of Jennings Police Department did nothing to rectify the situation.

55. Wherefore Plaintiff asks this Honorable Court to find the Jennings City Police Department liable for the violation of Title VII of the Civil Rights Act of 1964.

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**THIRD CAUSE OF ACTION:  
COMPENSATION DISCRIMINATION**  
*Pursuant to 29 U.S.C. 621 et seq.*

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56. Plaintiff incorporates and restates each of the above paragraphs as if fully set forth herein.

57. Plaintiff is over the age of forty (40) and is therefore a member of a protected class.

58. While Plaintiff worked as a dispatcher, she earned a base pay of \$10.50 per hour. She obtained this base pay by virtue of working as a dispatcher for 22 years.

59. Tiffany Mitchell and Heather Mitchell, relatively new hires to the Jennings City Police Department, received raises such that each of them were earning base pays of \$10.50 per hour. Tiffany Mitchell and Heather Mitchell each had less experience than Plaintiff, and they did not have any additional licensing that would render them more qualified for the job than Plaintiff.

60. The difference in pay between Plaintiff and Tiffany Mitchell and Heather Mitchell in the exact same position is not based on seniority, merit, or quality or quantity of production.

Rather, the Jennings Police Department, through its agents and officers, knowingly and intentionally paid Plaintiff less than younger females in an identical position.

61. Wherefore Plaintiff asks this Honorable Court to find the Jennings City Police Department liable for the violation of 29 U.S.C. § 621 *et seq.*

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**FOURTH CAUSE OF ACTION  
RETALIATION**

*Pursuant to 29 U.S.C. 621 et seq. and 42 U.S.C. § 2000e-3(a)*

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62. Plaintiff incorporates and reinstates each of the above paragraphs as if fully set forth herein.

63. The ADEA makes it an unlawful employment practice for a person covered by the Act to discriminate against an individual “because he has opposed any practice made an unlawful practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceedings, or hearing under this subchapter. 29 U.S.C. 621 *et seq.*

64. Title VII makes it an unlawful employment practice for a person covered by the Act to discriminate against an individual “because he has opposed any practice made an unlawful practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceedings, or hearing under this subchapter. 42 U.S.C. § 2000e-3(a).

65. Plaintiff advised the Jennings City Police Department of illegal discriminatory activity exhibited by D’Albor on various occasions.

66. For example, almost immediately after Plaintiff filed her EEOC charge and sent Mayor Terry Duhon a letter opposing the hostile work environment D’Albor was creating by re-

assigning older employees to less favorable working positions, D'Albor gave two younger and less experienced dispatchers a pay raise such that they were making the same base pay as Plaintiff. D'Albor then began sending officers to Plaintiff's house to continuously "check in" on her, making her extremely uneasy. D'Albor then instructed his Deputy Chief to contact Plaintiff's part-time employer to further harass her. The Jennings City Police Department refused to act. *See* Exhibit C.

67. Upon good information and belief, the numerous instances of discriminatory conduct set forth in this complaint constitute a systemic pattern of retaliation, with one event taking place in succession to another as a result of D'Albor, in his capacity of Chief of Police, retaliating against Plaintiff for her complaint of or opposition the previously occurring illegal activity.
68. As set forth above, Defendant, the Jennings City Police Department, through its agents, supervisors and/or employees, in a continuing course of conduct, subjected Plaintiff to retaliation and discrimination in the terms, conditions, and privileges of her employment in retaliation for her opposing what she believed to be unlawful conduct on various occasions.
69. Defendant failed to act in accordance with 29 U.S.C. 621 *et seq.*
70. Defendant failed to act in accordance with 42 U.S.C. § 2000e-3(a).
71. Defendant's retaliation is willful, intentional, and committed with malice or reckless indifference to the protected rights of Plaintiff.
72. As a result of Defendant's discriminatory conduct, Plaintiff has suffered and will continue to suffer pecuniary losses, including but not limited to lost wages and other benefits associated with her employment.

73. As a result of Defendant's discriminatory conduct, Plaintiff has suffered non-pecuniary losses including but not limited to emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses to be more fully developed at the trial on this matter.
74. Thereafter, Plaintiff had no choice but to file a charge with the EEOC on April 27, 2015.
75. After Plaintiff filed her EEOC charge, D'Albor continued to threaten, harass, and create a hostile work environment for Plaintiff. She eventually had no choice but to resign from her 28 years of service with the Jennings City Police Department.
76. Defendant, through its agents, supervisors and/or employees, in a continuing course of conduct, subjected Plaintiff to retaliation and discrimination in the terms, conditions, and privileges of her employment in retaliation for her opposing what she believed to be unlawful conduct on various occasions.
77. By retaliating against Plaintiff in response to her EEOC charge, Defendant failed to act in accordance with 29 U.S.C. 621 *et seq.*
78. By retaliating against Plaintiff in response to her EEOC charge, Defendant failed to act in accordance with 42 U.S.C. § 2000e-3(a).
79. Wherefore Plaintiff asks this Honorable Court to find the Jennings City Police Department liable for the violation of 42 U.S.C. § 2000e-3(a).
80. Defendant Jennings City Police Department failed to act in accordance with 42 U.S.C. § 2000e-3(a).
81. Wherefore Plaintiff asks this Honorable Court to find Defendant Jennings City Police Department liable for the violation of 42 U.S.C. § 2000e-3(a).

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**FIFTH CAUSE OF ACTION:  
HOSTILE WORK ENVIRONMENT**

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82. Plaintiff incorporates and reinstates each of the above paragraphs as if fully set forth herein.
83. The constant threats of termination, the discriminatory remarks made to Plaintiff regarding her age, the overt denial over overtime and proper work attire, caused Plaintiff substantial embarrassment, grief, anxiety and mental anguish.
84. The harassment was so severe or so pervasive that it altered the conditions of Plaintiff's employment and created an abusive atmosphere. The continued harassment prompted Plaintiff to ultimately retire early from her employment with the Jennings City Police Department.
85. D'Albor increased the pressure within Plaintiff's work environment and decided he was going to get rid of Plaintiff, a more senior, qualified, female employee over forty (40) years old by any means available when all harassment efforts failed.
86. Although the Jennings City Police Department was made aware of the hostile work environment promulgated by D'Albor, Defendant took no remedial action to stop the hostile environment and to prevent this type of unlawful activity from occurring.
87. The Jennings City Police Department, through its agents and officers, knowingly, and intentionally allowed the hostile work environment to exist.
88. The Jennings City Police Department, by its overt act or failure to act herein, supported the ongoing hostile work environment.

89. As a result of the stressful environment, Plaintiff began suffering terrible chest pains. She has sought medical attention to address these health concerns.

90. Wherefore Plaintiff asks this Honorable Court to find the Jennings City Police Department liable for creation of a hostile work environment based on Plaintiff's age and sex in violation of the Age Discrimination in Employment Act of 1967 and Title VII of the Civil Rights Act of 1964.

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**SIXTH CAUSE OF ACTION:  
RESPONDEAT SUPERIOR**  
*Pursuant to La. Civ Code art. 2320*

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91. The acts of Plaintiff's supervisors, managers, and co-workers were performed while the actors were within the course and scope of their employment with the Jennings City Police Department.

92. The conduct of Plaintiff's supervisors, managers, and co-workers as outlined herein was approved by Defendant, as Defendant took no steps to change, alter, stop, or modify said conduct.

93. At the time of the conduct, Plaintiff's supervisors and managers were acting on Defendant's behalf.

94. After the events complained of, Defendant was made aware of Plaintiff's supervisor's acts, and approved them by its continuous failure to act.

95. Therefore, Defendant Jennings Police Department is liable for the acts of Plaintiff's supervisors and managers as outlined herein.

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**PRAYER**

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**WHEREFORE**, Plaintiff requests that this Honorable Court enter judgment against Defendant providing the following relief:

- (a) All damages to which Plaintiff may be entitled, including but not limited to back pay, reimbursement for lost position and training, social security and other benefits, front pay, and any and all statutory relief;
- (b) Liquidated damages;
- (c) Reasonable attorney's fees, with conditional awards in the event of appeal;
- (d) Pre-judgment interest at the highest rate permitted by law;
- (e) Post-judgment interest from the judgment until paid at the highest rate permitted by law;
- (f) Costs, including expert fees;
- (g) Reasonable and necessary medical care and expenses in the past and future;
- (h) Mental anguish damages in the past and future;
- (i) Injunctive relief; and
- (j) Such other and further relief, at law or in equity, to which Plaintiff may be entitled.

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**DEMAND FOR JURY TRIAL**

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Pursuant to Rule 38 of Federal Rules of Civil Procedure, the Plaintiff demands trial by jury in this action of all issues so triable.

**Respectfully Submitted,**  
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