

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

WILLIAM OWENS,

Plaintiff,

v.

LOGAN PROPES, Individually,
R.V. WATTS, Individually, and
THE CITY OF MONROE,

Defendants.

*
*
*
*
*
*
*
*
*
*

CIVIL ACTION

FILE NO. _____

COMPLAINT FOR DAMAGES

COMES NOW the Plaintiff, WILLIAM OWENS, and files this his Complaint against Defendants LOGAN PROPES, R.V. WATTS, and THE CITY OF MONROE, respectfully showing this Court as follows:

PARTIES

1.

The Plaintiff, WILLIAM OWENS, is a natural person residing in Walton County, Georgia.

2.

Defendant, LOGAN PROPES, is a natural person residing in Monroe, Walton County, Georgia. He is sued in his individual capacity. He is subject to the jurisdiction and venue of this Court.

3.

Defendant, R.V. WATTS, is a natural person residing in Social Circle, Newton County, Georgia. He is sued in his individual capacity. He is subject to the jurisdiction and venue of this Court.

4.

The CITY OF MONROE is a municipal corporation and political subdivision of the State of Georgia. It is subject to the jurisdiction and venue of this Court.

JURISDICTION AND VENUE

5.

The Court has jurisdiction under 42 USC § 1983 and federal question jurisdiction under 28 USC § 1331. The Plaintiff also invokes the pendent jurisdiction of this Court to consider Plaintiff's state law claims pursuant to 28 USC § 1367(a).

6.

Venue is proper in this Court pursuant to 28 USC § 1391, as the events giving rise to the Plaintiff's claims occurred in this District and Division.

FACTUAL ALLEGATIONS

7.

The Plaintiff was a firefighter, employed by the City of Monroe. He had been employed by the City as a firefighter since May 2000, and was appointed as Fire Chief by the City of Monroe in January 2019.

8.

Logan Propes is the City Administrator for the City of Monroe. At all times relevant to this Complaint, he was the Plaintiff's direct supervisor.

9.

R.V. Watts is the Police Chief for the City of Monroe.

10.

The Plaintiff had a professional and personal relationship with K.I.

11.

On or about May 12, 2020, when K.I. was in the hospital for surgery, K.I.'s son illegally and without permission accessed K.I.'s Apple watch to obtain electronic communications that were sent between the Plaintiff and K.I.

12.

Prior to doing so, K.I.'s son notified Defendant WATTS of what he was going to do, and requested Defendant WATTS' assistance and participation.

13.

Defendant WATTS then notified Defendant PROPES, and both traveled to meet K.I.'s son.

14.

Thereafter, K.I.'s son, Defendant WATTS and Defendant PROPES, illegally and without the permission of the owner (K.I.), accessed private communications that were stored on K.I.'s Apple watch.

15.

Defendant WATTS, a law enforcement officer, knew or should have known that accessing the data without permission of the owner was illegal.

16.

Defendant WATTS did not obtain a search warrant or Court Order to obtain access to the device, to obtain the stored data or obtain access to the data, or to disseminate the personal and private information and communications that were stored on it.

17.

Defendant WATTS knew or should have known that his actions were illegal.

18.

Defendant WATTS provided the illegally obtained data and communications to others.

19.

The son of K.I. asked Defendant PROPES to terminate the Plaintiff from his position as Fire Chief, to use the information illegally obtained from K.I.'s Apple watch to do so, and to share the personal and private information with others, specifically city officials.

20.

Defendant PROPES agreed to K.I.'s son's request.

21.

Shortly thereafter, Defendant PROPES contacted the Plaintiff and demanded that the Plaintiff resign, and threatened that if he did not resign, he would be terminated for "conduct unbecoming."

22.

In an effort to coerce and force the Plaintiff into resigning, Defendant PROPES also falsely told the Plaintiff that if he did not resign, he would not receive payments to which the Plaintiff was entitled to receive from the City of Monroe, including accrued leave.

23.

Defendants WATTS and PROPES shared the illegally obtained personal data and information with a number of other individuals.

24.

The Plaintiff retained counsel, and through his counsel, he advised the City of Monroec of the illegal actions taken by Defendants WATTS and PROPES.

COUNT I.

Violations of Georgia Whistleblower Law

25.

The Plaintiff incorporates Paragraphs 1 through 24 hereinabove by reference as if set forth fully hereinbelow.

26.

The Plaintiff is a “public employee” as the term is defined in O.C.G.A. § 45-1-4(e)(3).

27.

The Defendant City of Monroe is a “public employer” as the term is defined in O.C.G.A. § 45-1-4(a)(4) as it is a local government entity that receives funds from the State of Georgia as a state agency.

28.

The Plaintiff, personally and through his attorney, disclosed to the City the violation of O.C.G.A. § 16-11-64 by the City Police Chief, R.V. Watts, and the City Administrator, Logan Propes.

29.

In violation of O.C.G.A. § 45-1-4, the City retaliated against the Plaintiff by terminating him from his position as Fire Chief for the Plaintiff's disclosures of a violation of, or non-compliance with, a law by city officials, which retaliation is in violation of O.C.G.A. § 45-1-4(d)(2).

30.

The retaliation by the City towards the Plaintiff violates the Georgia Whistleblower Protection Act, O.C.G.A. § 45-1-4 (Supp. 2021).

31.

The Plaintiff was damaged by the City's retaliation.

32.

Under the Georgia Whistleblower Protection Act, the Plaintiff is entitled to, and asks that the Court issue, an injunction restraining any further violations; furthermore, the Plaintiff asks that the Court order the reinstatement of the Plaintiff to the same position he held before the retaliation or to an equivalent position, order the reinstatement of full fringe benefits and seniority rights, award compensation for lost wages, benefits and other remuneration, award compensatory damages as allowed by law, and award to him his reasonable attorney's fees, court costs and expenses.

COUNT II

42 USC § 1983 – RETALIATION FOR EXERCISE OF FIRST AMENDMENT RIGHTS

33.

The Plaintiff realleges each allegation set forth in Paragraphs 1 – 32 of this complaint and incorporates them herein by reference as if fully set out herein.

34.

The Plaintiff's comments were protected by the First Amendment to the United States Constitution.

35.

The Defendants violated the Plaintiff's rights to free expression, as guaranteed to him by the First Amendment to the United States Constitution.

36.

The Defendants are liable to the Plaintiff under 42 USC § 1983 for the deprivation of his Constitutional rights.

COUNT III

42 USC § 1983 – VIOLATION OF RIGHT TO FREEDOM OF ASSOCIATION

37.

The Plaintiff realleges each allegation set forth in Paragraphs 1 – 36 of this complaint and incorporates them herein by reference as if fully set out herein.

38.

The Plaintiff's relationship with K.I. was protected and guaranteed under the United States Constitution.

39.

The Defendants interfered with the Plaintiff's relationship with K.I., and Defendant PROPES and the CITY OF MONROE retaliated against the Plaintiff because of his relationship with K.I., in violation of his constitutional rights as guaranteed to him under the First Amendment to the Constitution.

40.

The Plaintiff has been damaged as a result of the Defendants' action and is entitled to recover damages for this violation.

COUNT IV

VIOLATION OF STATE LAW BY ILLEGAL INTERCEPTION OF ELECTRONIC COMMUNICATIONS

41.

The Plaintiff realleges each allegation set forth in Paragraphs 1 – 40 of this complaint and incorporates them herein by reference as if fully set out herein.

42.

Defendants WATTS and PROPES, in violation of Georgia law, illegally and unlawfully participated in the interception of electronic communications between the Plaintiff and K.I.

43.

Defendants WATTS and PROPES, despite knowing that such communications had been illegally and unlawfully obtained, divulged those communications to others, including Defendant CITY OF MONROE.

44.

The Plaintiff has been damaged as a result of the Defendants' illegal actions and is entitled to recover damages for their illegal conduct.

COUNT V

42 USC § 1983 – ILLEGAL SEARCH AND SEIZURE IN VIOLATION OF THE UNITED STATES AND GEORGIA CONSTITUTIONS

45.

The Plaintiff realleges each allegation set forth in Paragraphs 1 – 44 of this complaint and incorporates them herein by reference as if fully set out herein.

46.

The Defendants' actions in intercepting, acquiring, retaining, using and disseminating the communications between the Plaintiff and K.I. constitute illegal searches and seizures in violation of the United States and Georgia Constitutions.

47.

The Plaintiff has been damaged as a result of the Defendants' actions and is entitled to recover damages for their illegal conduct.

COUNT VI

VIOLATION OF RIGHT TO PRIVACY BY PUBLIC DISCLOSURE OF PRIVATE

FACTS

48.

The Plaintiff realleges each allegation set forth in Paragraphs 1 – 47 of this complaint and incorporates them herein by reference as if fully set out herein.

49.

The Plaintiff enjoys the right to privacy as guaranteed to him by the Constitution and laws of the State of Georgia.

50.

The Defendants obtained, disclosed and made public, private and secret facts about the Plaintiff, the disclosure of which damaged the Plaintiff.

51.

The disclosure of these facts about the Plaintiff was embarrassing to the Plaintiff and caused him emotional distress and mental anguish.

52.

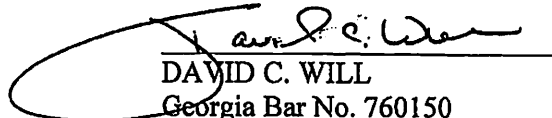
The Plaintiff has been damaged by the Defendants' breach of the Plaintiff's right to privacy for which he is entitled to recover damages as allowed by law.

WHEREFORE, having fully stated the foregoing for his Complaint, the Plaintiff prays that:

- (a) Summons and Process issue and the Defendants be served as provided by law;
- (b) The Court inquire into and sustain the allegations contained in his complaint;
- (c) He receive a trial by jury;

- (d) He have and recover all damages allowed by law against Defendant CITY OF MONROE including compensatory and special damages;
- (e) He have and recover all damages against Defendants WATTS and PROPES as are allowed by state and federal law, including compensatory, special and punitive damages;
- (f) He have and recover his attorneys fees, costs and expenscs of litigation under 42 USC § 1983;
- (g) The Court cast all costs upon the Defendants;
- (h) The Court enter judgment in favor of the Plaintiff and against the Defendants; and
- (i) The Court award such other and further relief as is just, proper and equitable.

This 22 day of July, 2021.



DAVID C. WILL
Georgia Bar No. 760150
Attorney for Petitioner

ROYAL – WILL
4799 Sugarloaf Pkwy.
Building J
Lawrenceville, Georgia 30044
(770) 814-8022 Tel.
(770) 814-8360 Fax