

**IN THE CIRCUIT COURT FOR THE COUNTY OF MONTGOMERY
 TENNESSEE AT CLARKSVILLE**

THE CLARKSVILLE FIREFIGHTERS
 ASSOCIATION,
 ROBERT CRUISE as PRESIDENT,
 STEPHEN SHERLOCK, Firefighter
 JEFFREY BURKHART, Firefighter
 INDIVIDUAL MEMBERS OF THE
 CLARKSVILLE
 FIREFIGHTERS ASSOCIATION,
 Plaintiffs,

vs.

THE CITY OF CLARKSVILLE,
 JOHNNY PIPER, as Mayor, and as
 an Individual,
 MICHAEL ROBERTS, as Fire/Rescue,
 Department Chief and as an Individual,
 JOHN STANLEY, as Deputy Fire/Rescue
 Department Chief and as an Individual,
 TIMOTHY HARVEY as Interim Contracted,
 CITY ATTORNEY and as an Individual,
 Defendants,

)
)
) Docket No.: MC CC CV 0D091245
)
)
)
)
)
)
)
)
)
)
)
)
)
)
)
)
)

FILED
 CHERYL LEAS
 CLERK
 CIRCUIT COURT CLARKSVILLE
 2009 JUN 18 PM 3:46

COMPLAINT

Come now the Plaintiffs, individually and as an association of similarly situated employees of the City of Clarksville, currently or formerly employed by the City of Clarksville as firefighters and complain against the defendants in their individual and official capacities as set forth above and herein, by and through their attorney of record, Peter M. Napolitano.

This is a complaint against the defendants for intentional, malicious, unlawful, violations of plaintiffs' political freedom rights pursuant to TCA §8-50-602; for retaliation for their lawful disclosures of improprieties, illegal activities and other misconduct by public officials, otherwise known as "Whistle Blowing"; their protected employment rights pursuant to Retaliatory Discharge TCA 50-1-304; for violation of their due process rights in employment and disciplinary processes afforded them pursuant to the City of Clarksville Code, §1-1318; for Intentional and Negligent Infliction of Emotional Distress and for a Writ of Mandamus as set forth in detail below.

Said complaints are brought against the Defendants for their individual and collective specified acts and omissions and their on-going course of conduct based on their alleged misconduct and its continuing planned adverse effects resulting therefrom.

1. Defendant The City of Clarksville hereinafter (“City”) is a governmental municipality duly formed and operating of the laws of the State of Tennessee with its principal offices at City Hall, One Public Square Clarksville Tennessee and functioning as such pursuant to the City of Clarksville Code.
2. Defendant John Piper is and at all times relevant herein was/is the duly elected Mayor of the City of Clarksville, whose principal office and address is City Hall, One Public Square Clarksville Tennessee and was functioning and acting in his official capacity as Mayor of the City of Clarksville.
3. Defendant Michael Roberts, at all times relevant herein, is/was the Chief of the City of Clarksville Fire-Rescue Department and superior of the employee plaintiffs, acting in his official capacity and as an individual where otherwise indicated herein, whose principal office is Headquarters and Administration Building, 802 Main Street Clarksville Tennessee 37040.
4. Defendant John Stanley, at all times relevant herein, is/was the Deputy Chief of the Fire-Rescue Department, and acting in his official capacity as such or as an individual as otherwise indicated herein;
5. Plaintiff Clarksville Firefighters Association hereinafter “Association” is an association duly formed and composed of active firefighters employed by the City of Clarksville, which principal offices are located at 121 Union Hall Road Clarksville Tennessee 37040 to represent the employment and safety interests of its member firefighters and a member of IAFF and subsidiary of the AFLCIO, with duly elected Association officials with whom the “City” has conferred regarding matters of its member employees and Association counsel.
6. Plaintiff Robert Cruise, is/was the duly elected President of the “Association” and acting in such official capacity on behalf of the “Association” members at all times relevant herein.

7. Plaintiff Stephen Sherlock was at all times relevant herein, a duly appointed and employed firefighter of the City of Clarksville, and resides at 4775 Louise Creek Road Cunningham Tennessee 37052.
8. As will be detailed herein and proven to this Honorable Court, the defendants individually and collectively have violated the individual and collective rights of the Association members through a continuing course of misconduct designed, aimed and directed primarily by defendant Mayor John Piper, at retaliating against city firefighters based upon their expressed political views against defendant Piper and/or in favor of former City Mayor Don Trotter, filing of grievances against their superiors, and for their lawful disclosures of official misconduct and activities by defendants as more fully detailed herein and as will be disclosed to the Court at trial.
9. Since taking office of Mayor on or about January 1, 2007, defendant Mayor Johnny Piper has embarked on an open and notorious course of misconduct intentionally designed to identify any "Association" firefighters who either opposed him during his prior mayoral election campaign, and/or expressed their political views and support of former Mayor Don Trotter and thereafter personally threatened such employees with intimidation or expressed intent to retaliate against them with termination of employment in individual and group confrontations.
10. The hostilities between Plaintiff Sherlock and Defendant Deputy Chief Stanley were building for some time and heightened dramatically after an incident in which Defendant Stanley stabbed Plaintiff Sherlock in the buttocks with a pocket knife while both were on duty. Plaintiff Sherlock reported this and filed a grievance over the matter with his superiors but nothing was ever done to discipline defendant Stanley.
11. During Mayor John Piper's first term as Mayor, on or about December 21, 2008, defendant Piper encounter Plaintiff Stephen Sherlock in public and in the presence of a witness, threatened to "have his job" and have Plaintiff Sherlock investigated.
12. In or around May 2007 defendant Piper appeared before a full shift of approximately twenty (20) Plaintiff firefighters at fire station #1 and directly

threatened each and all of them with termination of employment “the next day” if he learned or heard of any one of them speaking out against him. This incident was reported in the Leaf Chronicle Newspaper the next day in which defendant Piper confirmed that he had in fact addressed the group of employees in such manner.

13. In or around March 2007, defendant Piper unilaterally and without authority and approval of the city council re-instated former defendant Deputy Chief John Stanley who had, on information and belief, resigned his position at the behest of former Mayor Don Trotter under the threat of termination for misconduct and mistreatment of subordinate firefighters, including Plaintiff Sherlock and other “Association” Plaintiffs.
14. On information and belief, Defendant Piper’s actions in reinstating defendant Stanley was to have Defendant Stanley serve to identify Defendant Piper’s political opponents and/or Trotter supporters and employees who spoke with Mr. Trotter while he was serving as Mayor of Clarksville and disclosing to him irregularities, violations of state and local code and mistreatment of Fire Department employees.
15. Defendant Piper’s actions in so doing were to provide him a means of carrying out plans to retaliate against said employees/Plaintiffs and to create a fearful, hostile work environment among the fire department employees.
16. In or around the summer of 2007, defendants Roberts and Stanley initiated a course of conduct against Plaintiff Sherlock designed to bring about Plaintiff’s termination from employment including, among other things, performing surveillance upon Plaintiff in an effort to catch him in the commission of any department rule or personnel violations, which failed.
17. On or about May 15, 2008, defendants Roberts and Stanley falsely accused Plaintiff Sherlock of violating the “City” code of ethics and terminated his employment believed to be retaliation at the direction of Defendant Piper. Plaintiff Sherlock’s termination was subsequently overturned by a two to one vote of an appellate tribunal pursuant to the defendant “City’s” employee due process rights and procedures. Defendant Piper subsequently and unilaterally overturned the Tribunal’s decision and sustained Plaintiff Sherlock’s

termination without lawful or factual basis or authority to do so. Defendant Piper's actions were/are believed to be further political retaliation against Plaintiffs. These actions are presently before the Chancery Court in a Petition for Certiorari and action.

18. Defendant Piper further retaliated against an "Association" member, Jeff Burkhart, a former Assistant Chief, by unilaterally ordering his transfer from the Fire/Rescue Department to Director of the "City's" Building Maintenance Department, knowing he was not qualified for the position and that he would reject the transfer. When Mr. Burkhart opposed the transfer, Defendant Piper terminated his employment based on alleged "insubordination." This action was taken ostensibly to terminate Plaintiff Burkhart to retaliate against him for political reasons in violation of his rights under TCA SS 8-50-602. This matter is also presently before this Court in a separate Certiorari action.
19. Several "Association" members including Plaintiff Sherlock possess information concerning previous official misconduct by defendants Piper, Roberts and Stanley, related to the aftermath of the Tornado destruction of the "City" in 1999, and all of whom are aware of this expressed knowledge.
20. On information and belief, the defendants have exacted a plan designed to intimidate, retaliate and/or rid the defendant "City" of such knowledgeable fire/rescue employees in an effort to silence them.
21. Plaintiffs have also expressed their knowledge of other incidents of perceived official misconduct by defendants relating to a previous convention attended by defendants Piper, Roberts and Stanley and their significant others, paid for with "City" funds.
22. On information and belief, Defendant Stanley was subsequently threatened with termination by former Mayor Don Trotter based upon collective complaints of misconduct by several "Association" member plaintiffs. He chose to resign his position in lieu of termination.
23. Defendant Piper subsequently reinstated defendant Stanley without regard to the reasons for Stanley's prior removal, believed to be for political reasons and "cronyism" and thereby enabled defendant Stanley to exact revenge upon Plaintiffs and further Piper's own plan for political retaliation.

24. On June 12, 2008, while testifying against Plaintiff Sherlock in Sherlock's appellate hearing, Defendant Stanley admitted under oath that he has previously and is presently providing personal business services to the "City" as a "subcontractor" for which he has been and is being paid. This conduct is precisely the same misconduct of ethical violations and conflict of interest of which Plaintiff Sherlock was accused and found innocent but nevertheless terminated by Defendant Piper.
25. To date, despite their knowledge of Defendant Stanley's admitted misconduct, he has not been disciplined in any manner by Defendants Piper or Roberts thereby evidencing toleration of misconduct by Defendant Piper of the same type used to violate the rights of Plaintiffs;
26. Soon after Defendant Stanley's reinstatement by Defendant Piper, defendants Stanley and Roberts summarily terminated the employment of a former department secretary/clerk at Fire Station #1 (Department Headquarters) without cause or stated reason therefore. On information and belief, this wrongful, baseless termination was based upon defendants knowledge that the former employee and her husband supported former Mayor Don Trotter in the last mayoral election won by defendant Piper;
27. At the outset of the "investigation" of Plaintiff Sherlock for the allegations against him, Plaintiff Sherlock and his counsel notified Defendants verbally and in writing that Sherlock was invoking his rights pursuant to Section 7 of the National Labor Relations Act (NLRA) to have a representative of his choosing to be present at any and all future encounters with management at which discipline would be discussed or imposed. These NLRA rights are codified in both T.C.A. and Clarksville City Code. The Defendants had previously acknowledged the undersigned counsel as Plaintiff's representative. Despite their awareness of this representation and written notification of Plaintiff's invocation of this right, Defendants consciously ignored Plaintiff's right(s) by permitting defendant Stanley to confront Plaintiff Sherlock and present him with a Notice of termination, the ultimate disciplinary action.

28. In a responsive letter from Defendant Harvey as counsel for all defendants, and again during the appellate hearing of Sherlock's appeal of his termination, defendants denied that Plaintiffs had any such right.
29. Continuing to date, defendants have refused to acknowledge the Plaintiff Association's rights to act in concert with respect to employment conditions as provided by Clarksville City Code SS 1-1316(e)(2) and Section 7 National Labor Relations Act;
30. On or about February, 2009, former City Assistant Fire Chief, now Clarksville City Councilman, Jeffrey Burkhart appeared at the City's Fire Station Number One and thereat engaged in a conversation with an active duty city Firefighter at his request. Soon after Councilman Burkhart's departure, Deputy Chief John Stanley confronted the Firefighter and demanded that he prepare and provide him with a written statement as to the contents of his conversation with Councilman Burkhart. By his actions, Defendant Stanley more than implied that the employee should not be talking to a city official and thereby violated the employee's political freedom rights under TCA 8-50-602. This unlawful action further evidences the calculated course of intentional misconduct by Defendants to stifle employees political and employment rights and to retaliate against them.
31. As this Court is aware, Councilman Burkhart was also terminated by Defendant Mayor Piper and such termination is presently before this Honorable Court for certiorari review. Also, Deputy Chief Stanley was reinstated to his former position by Mayor Piper after he previously resigned his position under threat of former Mayor Don Trotter, the points here being that such actions by Defendant's Piper and Stanley further support their efforts to violate the Plaintiffs' rights under T.C.A. § 8-50-602, Political Freedom Rights.
32. The Defendants have implemented and maintained a continuing course of intentional misconduct specifically aimed at stifling and retaliating against Plaintiffs individually and as a group of members of a duly formed employee association based on furthering political activities and political agenda in violation of Plaintiff's rights in employment.

33. Based upon the foregoing and additional evidence to be presented to this Court at trial and obtained through discovery, the Defendants, individually and collectively embarked upon a course of official retaliatory and other misconduct against the Plaintiffs at the direction of Defendant Piper or of their own volition, aimed at intentionally violating the rights of Plaintiffs as more fully set forth herein below as follows:
34. Recent actions by Defendant Mayor Piper, City Attorney Lance Baker and other city officials further support the intentional course of misconduct by the defendants. Specifically:
- a. Defendant Mayor Piper, on information and belief and an article in the Leaf chronicle Newspaper quoting Mayor Piper, he has announced that he will be selling a tract of land he owns to the City of Clarksville upon which the City will construct its new marina, a plan that was sponsored by and pushed through the council for its approval. Defendant Piper was quoted as saying that he wanted this fact to be out in the open so as not to be perceived as suspicious or unethical. This “announcement” is nothing more than an admission that Defendant Piper intends to “do business with the city” and thereby violate the Code of Ethics. Such a sale of personal property to the city for the very project he proposed and supported strikes at the very heart of the philosophical basis of the ethics code which precludes such “doing business” with the city for personal gain.
 - b. More recently, Defendant Mayor Piper and City Attorney Lance Baker acknowledged and were quoted in the Leaf Chronicle their intent to amend the City Code and Charter to remove the existing due process rights of city employees, which, in part, provide for the three member hearing panel and empower Mayor Piper to have the final say in all employee terminations.
35. The recent actions by defendants as averred in paragraph 33 a. and b. above, strongly support two important issues claimed by Plaintiffs. First, that Defendant Piper holds himself above the law by openly expressing his intent

to do business with the City and thereby violate the Code of Ethics. Also that the Code of ethics was selectively and hypocritically used to politically retaliate against Plaintiff Sherlock by terminating him for unproven charges of the very same nature, and Plaintiff Burkhart as similar retaliation by ostensibly terminating him for declining to accept a transfer from his former Fire/Rescue Department Assistant Chief position to a different department director position for which Plaintiff Burkhart was not qualified and for which Piper knew Burkhart would decline.

36. Second, the attempts by Defendant Piper and City Attorney Baker to change the code and charter to deny city employees the due process rights they presently have and empower Mayor Piper to have sole and final decision authority to terminate any City employee must mean that they do not believe that Mayor Piper presently has such authority as Plaintiffs claim and also that he desires to further his based of power to terminate any employee for any reason or no reason with full impunity.

37. The course of misconduct, violation of Plaintiffs rights and unethical acts and omissions as alleged and refusal to reinstate the terminated Plaintiffs evidences the continuing and ongoing nature of the Defendants wrongful acts and omissions and intent to continue their course of misconduct, unethical acts and omissions and abrogation of their sworn duties.

COUNT ONE

RETALIATION OF GOVERNMENT EMPLOYEES POLITICAL FREEDOM RIGHTS IN VIOLATION OF T.C.A. §8-50-602

38. Plaintiffs restate and re-alleged each and every fact and allegation set forth in paragraphs 1 through 37 herein above as is fully set forth here.

39. Based on the foregoing, the Defendants, individually and/or collectively are guilty of retaliating against Plaintiffs based on their expression of political views and support of a political opponent of defendant Piper and for speaking to said opponent while a government official in violation of TCA §8-50-602, which conduct continues to date as an intentional course of misconduct aimed

at the same retaliation for past acts of Plaintiffs and to stifle future expression of such rights under the statute.

COUNT TWO

VIOLATION OF PLAINTIFF'S DUE PROCESS RIGHTS IN EMPLOYMENT PURSUANT TO CLARKSVILLE CITY CODE §1-1318

40. Plaintiff's restate and re-alleged each and every fact and allegation set forth in paragraphs 1 through 38 herein above as is fully set forth here.
41. Based on the foregoing, the Defendants, individually and/or collectively violated the Plaintiffs due process rights afforded them under Clarksville City Code §1-1318, by denying several of the Plaintiffs their due process rights in the employment disciplinary process including wrongful termination as alleged. By their acts and omissions, the Defendants intended to deprive Plaintiffs of their employment rights in retaliation for their expressed political views, disclosure of improprieties by public officials, and filing of legitimate grievances against their superiors. This systematic denial of due process rights further intended and indeed created a stifling effect on Plaintiffs to exercise their due process rights in employment.
42. The Defendants' course of misconduct continues to date evidenced by an on-going pattern of such misconduct as alleged and similar misconduct.
43. In furtherance of this intentional course of misconduct aimed at denying the Plaintiffs' due process rights and entrenchment of Defendant Piper's political power, most recently Defendant Piper has proposed and promoted a change to the City's Code to outright remove all formerly codified due process rights afforded all City employees and place full and final termination decisions solely with Defendant Piper as Mayor. His publicly stated reasons are based upon his (paraphrased) belief that the due process and disciplinary review board hearing processes result in "too much litigation."

COUNT THREE

RETALIATORY DISCHARGE IN VIOLATION OF T.C.A. §50-1-304

44. Plaintiffs restate and re-alleged each and every fact and allegation set forth in paragraphs 1 through 42 herein above as is fully set forth here.
45. Based on the foregoing and further evidence to be presented at trial, Defendants are individually and collectively guilty of violating TCA §50-1-304 known as “Retaliatory Discharge” and “Whistleblower protection” by wrongfully terminating Plaintiffs Sherlock and Baggett for their disclosures of and challenges to improprieties, unlawful political and criminal activities by their superiors and other defendant public officials. These wrongful retaliatory actions by defendants were intended to and in fact had the effect of stifling plaintiffs from exercising their protected rights afforded them under this statute.
46. Based further on the intentional retaliation against Plaintiffs for their expressed political freedom rights and violations of T.C.A. § 8-50-602, and the continuing course of misconduct by Defendants of the same nature, Defendants are guilty of wrongfully terminating the employment of Plaintiff Stephen Sherlock and other similarly situated employees. The wrongful termination is based upon Defendant’s collusive retaliation of Plaintiffs’ political freedom rights and is therefore not defensible under the GTLA or other bases.

COUNT FOUR

VIOLATION OF CITY OF CLARKSVILLE CODE OF ETHICS §1-602

47. Plaintiffs restate and re-alleged each and every fact and allegation set forth in paragraphs 1 through 45 herein above as is fully set forth here.
48. Based upon the foregoing and further evidence to be presented at trial, defendants are individually and collectively guilty of violating the Clarksville Code of Ethics §1-602 as follows:

- a. Defendants "City", Piper, Roberts, Stanley and Harvey violated and continue to violate the Code of ethics by knowingly allowing and/or tolerating defendant Stanley's admitted business dealings for the City of Clarksville for payment thereof in violation of the Code of ethics and conflict of interest policies.
- b. Defendant Stanley, with the approval or intentional ignorance of defendants Roberts, Piper, and Harvey, admittedly has performed and continues to perform services for payment for the "City" in violation of the "City" Code with impunity. This is the same violation defendants accused and terminated Plaintiff Sherlock for, despite his exoneration by a three member adjudicatory appellate panel.
- c. Defendants "City", Piper, Harvey, and Roberts knowingly violated by acts and/or omissions the City Code of Ethics by failing to insure that the allegations against Plaintiff Sherlock for violating the Code of Ethics was specifically investigated by the City Attorney, defendant Harvey as required by the Code. Instead, defendant Harvey intentionally and in writing, assigned the investigation of the charges against Plaintiff Sherlock to Defendant Roberts who in fact filed the charges against Plaintiff Sherlock, thereby allowing Roberts to investigate and conclude his own investigation in contravention of the City Code Ethics.

COUNT FIVE

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

49. Plaintiffs restate and re-alleged each and every fact and allegation set forth in paragraphs 1 through 48 herein above as is fully set forth here.
50. Based on the foregoing and further evidence to be presented at trial, the defendants, individually and collectively have embarked upon a course of misconduct intended to inflict emotional distress upon Plaintiffs as individuals and as members of their employee association and have in fact inflicted such emotional distress upon them which continues to date. This intentional infliction of emotional distress was and is intended to retaliate

against the Plaintiffs for exercising their employment rights and protected political and employment activities and to stifle them from future exercising of these rights;

COUNT SIX

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

51. Plaintiffs restate and re-alleged each and every fact and allegation set forth in paragraphs 1 through 49 herein above as is fully set forth here.
52. Based upon the foregoing and further evidence to be presented at trial, defendants are guilty of negligent infliction of emotional distress and harm by their individual and collective course of misconduct as alleged herein which course of misconduct continues to date.
53. The collective and individual acts and omissions of the Defendants have effectively caused the Plaintiffs, individually and collectively to live and work in fear of unjustifiable discipline and termination from employment. Such misconduct has the continuing adverse effect on Plaintiff's which has created an on-going untenable and hostile work environment permeated with fear, hostility, humiliation, stress, and related emotional harms suffered by the Plaintiffs.

APPLICATION FOR WRIT OF MANDAMUS

54. Plaintiffs restate and re-allege all averments as set forth in paragraphs 1 through 52 herein above as if fully set forth here. Based upon the facts and averments set forth herein and the following, Plaintiffs respectfully request this Honorable Court issue a Writ of Mandamus directing the Defendants and other officials specified below to take the official action prayed for below. In support of this application, the Plaintiffs would show unto the Court the following additional facts and evidence:
55. As alleged herein, the Defendants have individually and collectively engaged in a course of conduct designed to retaliate against the plaintiffs in violation of

- their respective rights afforded them under the Political Freedom Act, T.C.A. § 8-50-602 based upon their former and current expressed support of and communications with former Mayor Don Trotter.
56. During the appellate hearing of Firefighter Stephen Sherlock, Deputy Fire Chief John Stanley testified under oath that he had previously and continues to perform services for the City of Clarksville as a “sub-contractor” for which he receives payment from the City therefore.
 57. Fire Chief/Defendant Michael Roberts and then Interim and now independent contractor city attorney Hon. Timothy Harvey and then Human Resources Director William McNutt heard the testimony and admissions of Mr. Stanley.
 58. At the same hearing, the aforementioned City officials heard the testimony under oath of Waste Water Treatment Department Director Tommy Williams, who testified that he had previously advised Fire Chief Michael Roberts that he had never been advised by anyone that Firefighter Sherlock had not contracted with the city or performed the requested work that was at issue in and formed the basis for the termination of Mr. Sherlock. However, on cross examination Mr. Williams was advised that Ms. Sharon Powell, his subordinate, had in fact advised him of these very facts months before the termination of Firefighter Sherlock and the interview of Mr. Williams by Chief Roberts.
 59. Mr. Williams then recanted his testimony when challenged by counsel and became enraged and attempted to leave the hearing room threatening that he would “only return if brought back in handcuffs” by the police officers present in the room. Accordingly his conduct was unethical and unprofessional and admittedly the basis relied upon by Chief Michael Roberts in terminating Firefighter Sherlock.
 60. The hearing transcript which supports the aforementioned allegations was supposedly reviewed by Defendant Mayor Piper and presumably he was informed of these facts by either or all of the other officials present, namely Roberts, Harvey, and McNutt.

61. Curiously, Mr. McNutt's employment as City Director of Human Resources was subsequently terminated within a few weeks after the hearing concluded. The reasons for his termination are yet unknown but will be explored during discovery stages of this action.
62. Based upon the foregoing, Plaintiffs believe and request that the Defendants, particularly Defendant Mayor Piper should be ordered to take appropriate disciplinary action against both Deputy Chief John Stanley and Waste Water Treatment Department Director Tommy Williams for violations of the City's Code of Ethics. Upon proper investigation and based particularly on their sworn admissions supported by the hearing transcript, both employees, particularly Mr. Stanley, should be terminated from their employment since this was the exact punishment imposed upon Mr. Sherlock for unproven violations of the same ethics code.
63. On information and belief, Plaintiffs believe that unless a Writ of Mandamus is issued to Defendant Mayor Piper and Fire/Rescue Chief Michael Roberts, they will not perform their duties as city officials and will allow Mr. Stanley to continue in his current position and continue to assist the other defendants in their course of misconduct of retaliation against Plaintiffs.
64. If the Defendants are allowed to ignore and abrogate their sworn duties and basically get away with their course of misconduct, this will have a serious chilling effect upon all firefighter and seriously demean and devalue any positive purpose of the City's Code of Ethics. It will result in making the ethics code nothing more than a selective sham and tool for City officials to selectively retaliate against employees in violation of their protected rights and protect their favored colleagues and friends by ignoring their misconduct.

WHEREFORE PREMISES CONSIDERED, Plaintiffs', individually and collectively pray this Honorable Court:

1. That proper process issue and be served upon Defendant(s) requiring the Defendant(s) to answer this complaint fully and completely, but the oath to its answer is hereby waived;

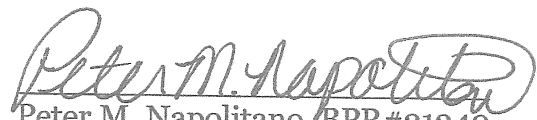
2. Upon a hearing of this cause, find the defendants guilty of the allegations set forth herein either collectively and/or individually as the evidence supports;
3. Order the immediate reinstatement of any of the Plaintiffs or similarly situated employees who have been terminated from their employment as a result of defendant Piper's involvement and award them all back pay and benefits plus judgment interest, training, promotions they might have been due and any other pay and/or benefits they were denied as proven to the Court;
4. Award the Plaintiffs the following damages:
 - a. Five hundred thousand dollars (\$500,000) in Compensatory damages to each Plaintiff terminated from employment as the result of Defendant Piper's acts and/or omissions and/or other Defendants acting with him, at his instruction, or of their own accord;
 - b. Five hundred thousand dollars (\$500,000) in compensatory damages to each Plaintiff for each Count in the Complaint for which the Defendants are found guilty or as allocated to any of the Defendants individually as the Court determines appropriate;
 - c. One million five hundred thousand dollars (\$1,500,000) in compensatory damages to the Plaintiff Association and to each member thereof to be divided among them as the Court determines appropriate for each Count in the Complaint for which the Defendants are found guilty or as allocated to any of the Defendants as the Court determines appropriate;
 - d. One million dollars (\$1,000,000) in Punitive damages to each Plaintiff for each Count in the Complaint for which the Defendants are found guilty of such misconduct that justifies punitive damages as the Court determines appropriate or as allocated to any of the Defendants individually as the Court determines appropriate;
 - e. Treble damages for any count in the complaint for which any of the Defendants are found guilty and such treble damages are statutorily provided therefore;
 - f. Attorneys fees, costs and expenses to the Plaintiffs charged to the Defendants as the Court determines appropriate;

- g. Order the Defendants to remove and cleanse the personnel files of any of the Plaintiff employees' personnel files of any derogatory information, documents, forms or other information resulting from any of the Defendants' misconduct as proven to the Court;
5. Issue a Writ of Mandamus as follows:
- a. Ordering Defendant Mayor Piper and Fire/Rescue Department Chief Michael Roberts to charge Deputy Fire Chief John Stanley with violating the City's Code of Ethics based upon his admissions under oath that he has and continues to "do business with and receive payment for" services for and from the City of Clarksville. Further, that the City Attorney, Lance Baker, properly investigate such charges pursuant to his obligations under the City Code of Ethics;
 - b. Order Defendants Piper and Roberts to terminate the employment of Defendant Stanley based upon his sworn admissions that he has violated the Code of Ethics;
 - c. Order Defendant Piper or the City Attorney Lance Baker, to charge Waste Water Treatment Department Director Tommy Williams for violating the City's Code of Ethics based upon his false testimony under oath at the Sherlock hearing and for his unprofessional conduct displayed at the hearing and his threats and refusal to continue his testimony under oath. Further, direct Defendant Mayor Piper to direct City Attorney Lance Baker to investigate such charges pursuant to provisions of the Code of Ethics and thereafter direct Mr. Williams' superior to impose appropriate disciplinary action against Mr. Williams for his misconduct.
 - d. Direct the City Attorney, Lance Baker and the City Council to properly investigate the admitted and planned or completed actions of Defendant Mayor Piper to sell his real property to the City for the planned Marina and/or any other purpose. And, upon a finding of such sale or contract to sell, properly charge Defendant Piper with violating the City of Clarksville Code of Ethics and conflict of interest provisions thereof and take appropriate remedial action to discipline Defendant Piper and reverse any sale of such

property or block any planned sale of such property if such sale has already been accomplished.

6. Award the Plaintiffs any other further, general, or different relief to which they prove themselves entitled or the Court determines appropriate to effectuate its decisions and order(s).

Respectfully submitted,



Peter M. Napolitano, BPR#21240
Attorney for Plaintiffs
119 Franklin Street
Clarksville TN 37040
Phone: 931-906-8733


State of Tennessee)
County of Montgomery)

I, Stephen Sherlock, first being duly sworn, make oath that I have read the foregoing Complaint, know the contents thereof, and that the same is true and correct to the best of my knowledge, information and belief, that this Complaint is not made out of levity or collusion with the Defendants, but in truth and sincerity and for the causes mentioned therein.



Stephen Sherlock

Sworn to and subscribed before me this 17th day of June, 2009.


Notary Public

My Commission Expires: 8/21/11



State of Tennessee)
County of Montgomery)

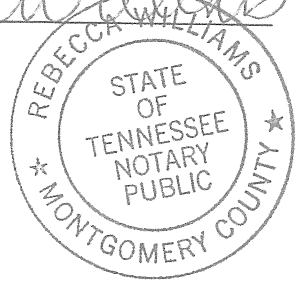
I, Robert Cruise, first being duly sworn, make oath that I have read the foregoing Complaint, know the contents thereof, and that the same is true and correct to the best of my knowledge, information and belief, that this Complaint is not made out of levity or collusion with the Defendants, but in truth and sincerity and for the causes mentioned therein.

Robert W. Cruise
Robert Cruise

Sworn to and subscribed before me this 17th day of June, 2009.

Rebecca Williams
Notary Public

My Commission Expires: 8/21/11



State of Tennessee)
County of Montgomery)

I, Jeffery Burkhart, first being duly sworn, make oath that I have read the foregoing Complaint, know the contents thereof, and that the same is true and correct to the best of my knowledge, information and belief, that this Complaint is not made out of levity or collusion with the Defendants, but in truth and sincerity and for the causes mentioned therein.

Jeffery Burkhart
Jeffery Burkhart

Sworn to and subscribed before me this 18th day of June, 2009.

Rebecca Williams
Notary Public

My Commission Expires: 8/21/11



Certificate of Service

I hereby certify that a copy of this Complaint has been served by first class mail, postage prepaid on this the 26th day of JUNE, 2009 to the following:

Mayor Johnny Piper
City Hall
One Public Square
Clarksville TN 37040

Timothy Harvey, Interim City Attorney
City Hall
One Public Square
Clarksville TN 37040

Lance Baker, City Attorney
City Hall
One Public Square
Clarksville TN 37040

Chief Michael Roberts
Clarksville Fire Department Headquarters
802 Main Street
Clarksville TN 37040

John Stanley
Clarksville Fire Department Headquarters
802 Main Street
Clarksville TN 37040


Peter M. Napolitano