

NO. 22-CI-000237

JEFFERSON CIRCUIT COURT
JUDGE OLU A. STEVENS
DIVISION SIX (6)

VINCENT WATKINS

PLAINTIFF

v.

FIRST AMENDED COMPLAINT
(Filed Electronically)

LOUISVILLE METRO GOVERNMENT

DEFENDANT

*** **

The Plaintiff, Vincent Watkins, pursuant to CR 15.01, for his First Amended Complaint against the Louisville Metro Government, states as follows:

1. This Court has jurisdiction as Plaintiff affirmatively pleads that he seeks monetary damages aggregating more than the jurisdictional threshold of this Court.
2. The Plaintiff is a Black male.
3. For all relevant times herein, the Plaintiff has been employed by the Defendant in its Department of Parks and Recreation as a Park Worker II. His primary responsibility is driving a garbage truck.
4. The Plaintiff began working for Defendant in November 2010.
5. The first eight years Plaintiff worked for Defendant was for all purposes uneventful.
6. In 2018, Josh Wysor, a white male, became Plaintiff’s supervisor.
7. In the first three months Wysor was Plaintiff’s supervisor, he issued seven different disciplinary actions against Plaintiff.
8. The first four disciplinary actions were promptly dismissed.
9. The fifth disciplinary action Wysor wrote with Jeffrey Abbott, a white male. Abbott was a supervisor in the Parks Department, but not Plaintiff’s supervisor. In fact, Abbott had no meaningful interaction with Plaintiff at this time at all.

10. At least three white co-workers wrote statements expressing that Wysor was harassing Plaintiff.

11. In July 2018, Plaintiff filed a complaint with the U.S. Equal Employment Opportunity Commission complaining of race discrimination.

12. Subsequent to this fifth filing, Abbott was promoted in the Parks Department to Parks Manager by Mesude Duyar, the Parks Department Assistant Director of Operations.

13. Before and since Abbott became Parks Manager, he has persistently disparaged Plaintiff, stating to Plaintiff's white co-workers and supervisors that he is not to be trusted, that he is a "piece of shit," Plaintiff's shop is a "penitentiary," that Plaintiff slashes tires, and that Plaintiff threatens people.

14. It is noteworthy that Plaintiff is 53 years old and has not been charged with a crime in thirty years.

15. It is further noteworthy that the shop Plaintiff works has the most Black employees of any of the Parks Department's shops.

16. In 2020, Roger Meredith was hired to be Plaintiff's direct supervisor.

17. Duyar repeatedly said disparaging remarks about Plaintiff to Meredith and told Meredith directly to remove Plaintiff from garbage truck duty.

18. Meredith refused, citing Plaintiff as one of, if not the, best employee he had.

19. Tension grew between Meredith and Duyar regarding Plaintiff that Meredith resigned after just six months on the job.

20. In September 2021, Abbott and Duyar suspended Plaintiff for ten days.

21. Incredibly, Plaintiff had not done anything wrong. Although Plaintiff had emptied each and every garbage can on his route, his log sheets merely did not exactly match the time when

he emptied them.

22. Abbott required Plaintiff to turn in his driver log sheets but does not require white drivers to do so.

23. In order to ensure that Plaintiff was suspended, Abbott and Duyar went outside of standard protocols and/or overrode human resources' supervisor who recommended that Plaintiff simply receive a warning.

24. In November 2021, Abbott again attempted to suspend Plaintiff.

25. On this occasion, however, another direct supervisor of Plaintiff, Mahlon Morton, took exception to Abbott's targeting of Plaintiff.

26. A disciplinary hearing was held.

27. Morton raised concerns at the disciplinary hearing that Abbott was fabricating evidence in support of his accusations against Plaintiff.

28. Plaintiff was cleared at the disciplinary hearing.

29. Duyar promptly fired Morton after less than two months on the job.

30. Another Parks Department supervisor who reported to Abbott has made complaints about Abbott's harassment of Plaintiff.

31. Plaintiff is aware of Abbott harassing at least three other Black subordinate employees, going as far as to out one of them having HIV.

32. Furthermore, in 2019, a Parks Department Supervisor working at Plaintiff's shop called Plaintiff's Black co-worker a "monkey." Duyar did not discipline this Supervisor, but merely moved him to another shop, where he presently continues to work.

33. It is also common knowledge in the Parks Department that another Parks Department Supervisor is a proud confederate sympathizer and even hangs a confederate flag on

his front door.

34. Duyar herself has been reprimanded for inappropriately touching a Black employee when she commanded him to get to work.

35. Since Duyar has been the Parks Department Assistant Director of Operations, every supervisor in the Parks Department she has hired has been a white male.

COUNT I

36. The Plaintiff brings this Count alleging violations of Chapter 344 of the Kentucky Revised Statutes prohibiting discrimination based on race.

37. Defendant through the actions of its employees subjected Plaintiff to a hostile work environment because of his race.

38. As a direct and proximate result of the Defendant's wrongful actions, Plaintiff has suffered mental anguish, embarrassment and humiliation, and lost wages and benefits. Plaintiff is entitled to recover for the same from the Defendant.

39. Defendant's discriminatory treatment of Plaintiff continues to cause and will continue to cause him to suffer substantial lost wages, lost benefits, and mental anguish as well as humiliation and damages to his personal dignity.

COUNT II

40. The Plaintiff brings this Count alleging violations of Chapter 344 of the Kentucky Revised Statutes prohibiting discrimination based on race.

41. Defendant discriminated against Plaintiff by treating him differently in the terms and conditions of his employment than other non-Black employees, including suspending him, because of his race.

42. As a direct and proximate result of the Defendant's wrongful and disparate treatment, Plaintiff has suffered mental anguish, embarrassment and humiliation, and lost wages and benefits. Plaintiff is entitled to recover for the same from the Defendant.

43. Defendant's discriminatory treatment of Plaintiff continues to cause, and will cause him, to suffer substantial lost wages, mental anguish and substantial damages for pecuniary losses, as well as humiliation and damages to his personal dignity.

WHEREFORE, the Plaintiff, Vincent Watkins, respectfully demands judgment against the Defendant on his claim as follows:

1. Actual and compensatory damages in an amount to be presented at trial on each Count, including lost compensation and benefits; future lost wages and benefits, emotional distress, mental anguish, humiliation, and pain and suffering;
2. Reimbursement for costs and attorney fees expended herein under any and all other applicable statutes;
3. Punitive damages if and where applicable;
5. Trial by jury; and,
6. Any and all further relief to which he may appear entitled.

MORGAN POTTINGER MCGARVEY

By: /s/ Thomas R. Coffey

Thomas R. Coffey (KBA #91951)
401 South Fourth Street, Suite 1200
Louisville, KY 40202
(502) 589-2780
Counsel for Plaintiff