

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

JOHN EDWARDS

*

CASE NO.:

Plaintiff

*

VERSUS

*

SECTION: “ ”

**THE PARISH OF JEFFERSON &
ROBIN BEAULIEU**

*

JUDGE:

Defendants

*

MAGISTRATE:

*

JURY TRIAL REQUESTED

* * * * *

COMPLAINT

NOW INTO COURT, through undersigned counsel, comes plaintiff, John Edwards, a resident of the full age of majority domiciled within the Parish of St. Tammany, State of Louisiana, who respectfully represents that:

I. PARTIES

1.

Made defendants herein are:

The Parish of Jefferson, a political subdivision organized under the laws of the State of Louisiana, having its principal place of business in the Parish of Jefferson, State of Louisiana.

Robin Beaulieu, an individual of the full age of majority residing in Parish of Jefferson, State of Louisiana.

II. JURISDICTION AND VENUE

2.

Jurisdiction is proper in this Honorable Court under the provisions of 28 U.S.C. § 1331, for claims brought pursuant to 42 U.S.C. § 1983, the First Amendment of the Constitution of the United States of America, and pursuant to 28 U.S.C. § 1367 for all other claims pendent thereto.

3.

Venue is proper in the Eastern District of Louisiana, pursuant to 28 U.S.C. § 1391, in that a substantial part of the events or omissions giving rise to the claim occurred in the Eastern District of Louisiana and plaintiff and defendants reside in this district.

III. PRELIMINARY STATEMENT

4.

Plaintiff was a contract employee of the Jefferson Parish East Bank Animal Shelter. Over the course of plaintiff's tenure with the Shelter, four individuals have held the position of Shelter Director; Robin Beaulieu is currently the individual who holds this position. Plaintiff opposed many of Ms. Beaulieu's practices at the shelter, including numerous occasions on which Ms. Beaulieu undermined plaintiff's medical authority. Additionally, plaintiff asserts that on several occasions, Ms. Beaulieu exceeded her authority as Shelter Director by making medical decisions, which is illegal under state law. As a result of plaintiff's expressions of opposition, plaintiff was terminated in violation of the Louisiana Whistleblower Act and in violation of plaintiff's First Amendment rights.

IV. FACTS

5.

At all times material hereto, plaintiff, John Edwards ("plaintiff") was a contract employee of the Parish of Jefferson as Veterinarian of the East Bank Animal Shelter.

6.

At all times material hereto, the Parish of Jefferson (“Parish”) was the plaintiff’s employer under the provisions of Louisiana Revised Statute 23:967.

7.

Plaintiff had a constitutionally protected right to be free from retaliation for reporting illegal activity under Louisiana Revised Statute 23:967 and for exercising his right to free speech under the United States Constitution, First Amendment, made applicable to the state and its actors through the Fourteenth Amendment and 42 U.S.C. § 1983.

8.

Defendants, the Parish and Robin Beaulieu, were acting under color of state and municipal law and were cloaked with the authority of the State of Louisiana and the Parish for purposes of 42 U.S.C. § 1983 when taking the actions against the plaintiff complained of herein.

9.

Plaintiff was employed as a contract veterinarian with one-year contract terms by the Jefferson Parish Animal Shelter in 2009.

10.

During plaintiff’s final contract term, which ran from September 2, 2011 to September 1, 2012, the Parish hired Robin Beaulieu as director of the animal shelter.

11.

On August 8, 2012, the Jefferson Parish Council ratified Resolution No. 119377, extending Dr. Edwards’ contract by an additional three months through December 1, 2012, or until the completion of the Standard of Qualification (SOQ) process, whichever came first. The parties signed this contract on September 5, 2012.

12.

When the Standard of Qualification (SOQ) submission deadline approached for renewal of his contract for 2013, Dr. Edwards timely submitted his application. The SOQ meeting was delayed several times as a result of Hurricane Isaac.

13.

On October 10, 2012, the Council ratified Resolution 119717, a second extension of Dr. Edwards' contract to run until March 1, 2013 or until the completion of the SOQ process, whichever came first.

14.

The SOQ meeting was held on October 23, 2012, and Dr. Edwards ultimately lost the contract to a less experienced veterinarian, Dr. Jeff Schumacher.

15.

On or about October 25, 2012, plaintiff submitted a public records request, and he received the submissions and score sheets approximately one month following the request. Upon receiving the request, plaintiff discovered that despite his additional years of experience, which includes specialized shelter experience, a significantly greater list of surgeries of which he was capable of performing, and letters of recommendation, he received a score of 283 out of 300 possible points, while Dr. Schumacher received a score of 300.

16.

The score sheets revealed that plaintiff had received deductions from Brenda Campos of the purchasing department and Paul Bourg, assistant director of the animal shelter, who primarily worked with the West Bank shelter. Plaintiff's score sheets reflected deductions for outsourced surgeries and prior performance.

17.

Upon reason and belief, Ms. Beaulieu acted nefariously to hinder plaintiff's chances at obtaining the SOQ bid and to undermine his work performance. Ms. Beaulieu began to outsource spay and neuter surgeries to outside clinics, and when plaintiff confronted Ms. Beaulieu about this practice she told him that it was "free help." She later informed plaintiff that the number of surgeries he was completing was insufficient, and this information was used against him in the SOQ decision. Ms. Beaulieu also prohibited plaintiff from entering and remaining in the Shelter after hours, a practice for which she had previously praised plaintiff in a letter of recommendation for the SOQ position.

18.

On or about November 2, 2012, Ms. Beaulieu sent plaintiff a letter notifying him that, notwithstanding the second extension of his contract, his contract would expire on December 1, 2012. The letter accused plaintiff of "engaging Parish employees in discussion about the veterinary contract; engaging in discussion about Animal Shelter matters on social media; and engaging Parish employees in discussions concerning Animal Shelter matters unrelated to the practice of veterinary medicine, especially rumor/gossip."

19.

On or about November 13, 2012, Ms. Beaulieu sent plaintiff a second letter, stating that pursuant to his contract, he was terminated with two months' notice effective January 13, 2013. The letter accused plaintiff of "engaging Parish employees in discussion about the veterinary contract; engaging in discussion about Animal Shelter matters on social media; and engaging Parish employees in discussions concerning Animal Shelter matters unrelated to the practice of

veterinary medicine, especially rumor/gossip; and entering upon or remaining at the Shelter after normal business hours, unless specifically requested or approved by the Director of the Shelter.”

20.

Following objections from plaintiff and others regarding the SOQ process, the Parish Council decided on or about November 7, 2012, to re-advertise the position using clearer criteria.

21.

Despite the Parish’s typical protocol of advertising SOQ positions on jeffparish.net, on this occasion, the Parish failed to post the position. The position was included in the Times Picayune, a semi-weekly newspaper. As a result, plaintiff was not able to apply for the position.

22.

On or about December 5, 2012, plaintiff discovered that the SOQ deadline had passed as a result of the Parish’s failure to follow its standard custom of posting SOQ positions online. Plaintiff sent a lengthy letter to Parish President John Young and the council describing the events that had occurred with his SOQ and his complaints and accusations against Ms. Beaulieu.

23.

Plaintiff’s complaints included several occasions on which Ms. Beaulieu attempted to undermine Dr. Edwards’ medical authority.

24.

Additionally, on more than one occasion, Ms. Beaulieu practiced veterinary medicine without a license in violation of state law, including, but not limited to, the following accusations:.

- A. Ms. Beaulieu informed staff members to listen to her over plaintiff on medical issues.

- B. Ms. Beaulieu directed staff in a meeting to administer Marquis Paste medication to all animals under six months of age, a protocol that was not approved by plaintiff.
- C. Ms. Beaulieu gave medical instructions to a staff member for treatment of a kitten after plaintiff had left for the day, rather than contacting him or sending the cat to Metairie Small Animal Hospital for emergency treatment. Ms. Beaulieu instructed a shelter employee to administer 10 cc of subcutaneous fluid to the suffering kitten and Marquis Paste to the rest of the litter. The kitten died overnight.
- D. Ms. Beaulieu sent two cats with a contagious upper respiratory disease to the West Bank animal shelter for treatment by another veterinarian when she disagreed with plaintiff's diagnosis and treatment plan, risking exposure to other animals.
- E. Ms. Beaulieu ignored plaintiff's opinion on dog aggressiveness. When a dangerous dog bit a shelter visitor, plaintiff requested a rabies quarantine. Four days into the quarantine, the dog disappeared from the shelter. Ms. Beaulieu did not discuss the situation with plaintiff nor did she provide information about where the dog had been transferred. Despite plaintiff's questioning, Ms. Beaulieu refused to discuss with him whether mandatory legal procedure was followed in dog bite cases.
- F. Plaintiff witnessed a euthanasia technician, Jamal Johnson, administering euthanasia unethically. When plaintiff asked to review tapes of the euthanasia procedures to determine if this was a one-time occurrence, Ms. Beaulieu refused

and told plaintiff that they had already been reviewed by her and Paul Bourg, assistant director of the shelter, and that there were no problems. Neither Ms. Beaulieu nor Mr. Bourg is trained in euthanasia.

25.

The following day after plaintiff sent his letter outlining the above events, plaintiff was terminated and police escorted him out of the shelter, accusing him of being disruptive without any specific allegations. This was prior to the end of the three month extension that had been ratified by the Council, and also prior to the conclusion of the two months' notice Ms. Beaulieu had given him.

26.

Ms. Beaulieu's actions are in violation of state law, LSA-R.S. 37:1514, which prohibits persons other than licensed veterinarians from practicing veterinary medicine.

27.

Plaintiff expressed his opposition to Ms. Beaulieu's actions on numerous occasions, and Ms. Beaulieu responded by terminating plaintiff's second extension contract and failing to post the SOQ position on jeffparish.net. This is a violation of the Louisiana Whistleblower Act, LSA-R.S. 23:967.

28.

In addition, Ms. Beaulieu terminated plaintiff one day after he sent a letter to John Young and the council detailing Ms. Beaulieu's illegal behaviors. This retaliatory activity is also a violation of the Louisiana Whistleblower Act, LSA-R.S. 23:967.

29.

Due to the above and foregoing allegations, defendants are liable unto plaintiff for retaliation in violation of the First Amendment and the Louisiana Whistleblower Act, LSA-R.S. 23:967, for:

- A. Back and front pay;
- B. Compensatory damages;
- C. Benefits;
- D. Reasonable attorney's fees;
- E. Costs of these proceedings; and
- F. Mental anguish.

30.

Plaintiff requests a trial by jury on all claims.

WHEREFORE, plaintiff, John Edwards, prays that defendants, Robin Beaulieu and the Parish of Jefferson, be duly cited to appear and answer this Complaint and Jury Demand and, after due proceedings and legal delays, there be judgment herein in favor of plaintiff and against defendants, jointly and severally, as detailed in the foregoing Complaint and Jury Demand and in an amount reasonable in the premises, together with legal interest from the date of judicial demand, all costs of these proceedings, reasonable attorney's fees, punitive damages and any and all equitable relief deemed appropriate by this Honorable Court under the circumstances, as well as a trial by jury.

Respectfully Submitted,

THE TRUITT LAW FIRM
A Limited Liability Company

/S/ JACK E. TRUITT

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been duly served on all counsel of record by depositing same into the U.S. Mail, postage pre-paid, this 3rd day of December, 2013December 3, 2013, or by any other means authorized by law.

/S/ JACK E TRUITT

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question, 4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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