

ZACHARY JOHNSON

NUMBER: DIVISION:

13TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EVANGELINE

**TURKEY CREEK THROUGH THE
MAYOR BERT CAMPBELL
IN HIS OFFICIAL CAPACITY AND
AND INDIVIDUALLY AND THE CHIEF
BRITTANY GUILLORY IN HIS CAPACITY AS CHIEF OF TURKEY
CREEK POLICE**

STATE OF LOUISIANA

PETITION FOR DAMAGES

NOW INTO COURT: comes Zachary Johnson, a major and resident of the Parish of Evangeline, respectfully represents as follows:

1.

Named Defendants here Turkey Creek Police Department through the acting Chief Brittany Guillory.

2.

The Jurisdiction of this Court lies under La. R.S. 23:303.

3.

Venue is proper pursuant to La. R.S. 23:303, in the district court in the parish in which the alleged violation occurred.

4.

Made Defendants herein are:

Turkey Creek Police Department a public entity police department in the State of Louisiana, who at all times pertinent to this litigation, was the employer of Zachary Johnson who did terminate Mr. Johnson in contravention of law as described herein.

5.

FACTS

Plaintiff is a type one diabetic.

6.

Plaintiff was hired by Turkey Creek on August 30, 2021 as a police officer.

7.

Plaintiff was able to work as a Turkey Creek police officer without incident prior to January 30, 2022.

8.

Plaintiff recalls on January 30, 2022, he was in his car driving from his police shift headed to Eunice Louisiana when he was affected by diabetic delirium episode. The episode terminated with Mr. Johnson being treated for diabetes and a wrongful arrest that is still pending.

9.

Steve Ardoin was the Chief of Police of Turkey Creek who fired Mr. Johnson on or about March 26, 2022 because of his diabetic condition.

10.

Phillip Caven the Mayor of Turkey Creek in March, 2022 made the determination that Zachary Johnson should be terminated because he was a “liability” and Mr. Johnson was then terminated because of his diabetic condition and the January 30, 2022 delirium.

11.

Thereafter, Plaintiff received an offer to be a police officer in another department and after accepting the job, the Turkey Creek Police Department Terry King and Eric Chappel (Mayor pro tem) sent the hiring police force information about Mr. Johnson that caused the offer of employment to be withdrawn.

12.

CURRENT REQUEST FOR ACCOMODATION:

After January, 2022 Plaintiff has requested and would request that he be placed into a position that he has worked at prior or knows could accommodate his disabilities namely, patrol. Plaintiff is aware that he cannot choose where he is placed, however the patrol positions would provide accommodations to his known limitations within the Department and he has requested that he be allowed to return on a regular 40 hours basis, that request has been denied.

13.

FIRST CLAIM FOR RELIEF

Plaintiff seeks relief pursuant to La. R.S. 23:301 *et seq.* for discrimination. Louisiana Civil suits authorized pursuant to 23:303 which holds:

A. A plaintiff who has a cause of action against an employer, employment agency, or labor organization for a violation of this Chapter may file a civil suit in a district court seeking compensatory damages, back pay, benefits, reinstatement, or if appropriate, front pay, reasonable attorney fees, and court costs. In such a suit, the venue shall be the district court in the parish in which the alleged violation occurred.

14.

SECOND CLAIM FOR RELIEF

Plaintiff seeks relief under La. R.S. 23:323 *et seq.* for discrimination and 23:967 holding

A. An employer shall not take reprisal against an employee who in good faith, and after advising the employer of the violation of law:

- (1) Discloses or threatens to disclose a workplace act or practice that is in violation of state law.
- (2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of law.
- (3) Objects to or refuses to participate in an employment act or practice that is in violation of law.

B. An employee may commence a civil action in a district court where the violation occurred against any employer who engages in a practice prohibited by Subsection A of this Section. If the court finds the provisions of Subsection A of this Section have been violated, the plaintiff may recover from the employer damages, reasonable attorney fees, and court costs.

C. For the purposes of this Section, the following terms shall have the definitions ascribed below:

- (1) "Reprisal" includes firing, layoff, loss of benefits, or any discriminatory action the court finds was taken as a result of an action by the employee that is protected under Subsection A of this Section; however, nothing in this Section shall prohibit an employer from enforcing an established employment policy, procedure, or practice or exempt an employee from compliance with such.
- (2) "Damages" include compensatory damages, back pay, benefits, reinstatement, reasonable attorney fees, and court costs resulting from the reprisal.

D. If suit or complaint is brought in bad faith or if it should be determined by a court that the employer's act or practice was not in violation of the law, the employer may be entitled to reasonable attorney fees and court costs from the employee.

15.

THIRD CLAIM FOR RELIEF

Plaintiffs seek relief in form of attorneys fees and cost pursuant to La. R.S. 23:303.

16.

FOURTH CLAIM FOR RELIEF

In the alternative, Plaintiff seeks relief for harassment and intentional infliction of emotional distress for all damages arising there from pursuant to La. C.C. art. 2315 from both employer and Marino individually. This claim is supplemental and incidental to and forms part of an ongoing, and arises out of the same, transaction or occurrence or common course of events as set forth in the original complaint for which remedy(ies) lies under state law.

17.

FIFTH CLAIM FOR RELIEF

Additionally, Plaintiff has filed an EEOC complaint and has NOT received a right to sue from an EEOC complaint that includes violations of federal law including Americans with Disabilities Act, ADAAA, and Title VII of the Civil Rights act of 1964 as amended (42 U.S.C. 2000 (e) After reporting his disability, Plaintiff was retaliated against, in violation of law.

18.

SIXTH CLAIM FOR RELIEF

Defendants are indebted to Plaintiff for Disability Discrimination articulated above.

Defendant violated laws under 23:323 which holds:

- A. No otherwise qualified person with a disability shall, on the basis of a disability, be subjected to discrimination in employment.
- B. An employer, labor organization, or employment agency shall not engage in any of the following practices:
 - (1) Fail or refuse to hire, promote, or reasonably accommodate an otherwise qualified person with a disability on the basis of a disability, when it is unrelated to the individual's ability, with reasonable accommodation, to perform the duties of a particular job or position.
 - (2) Discharge or otherwise discriminate against an otherwise qualified person with a disability with respect to compensation or the terms, conditions, or privileges of employment on the basis of a disability when it is unrelated to the individual's ability to perform the duties of a particular job or position.
 - (3) Limit, segregate, or classify an otherwise qualified person with a disability in a way which deprives the individual of employment opportunities or otherwise adversely affects the status of the individual on the basis of a disability when it is unrelated to the individual's ability to perform the duties of a particular job or position.
 - (4) Fail or refuse to hire or to promote an otherwise qualified person with a disability on the basis of physical or mental examinations or preemployment interviews that are not directly related to the requirements of the specific job, or which are not required of all employees or applicants.
 - (5) Discharge or take other discriminatory action against an otherwise qualified person with a disability on the basis of physical or mental examinations or preemployment interviews that are not directly related to the requirements of the specific job, or are not required of all employees or applicants.
 - (6) Fail or refuse to hire or to promote an otherwise qualified person with a disability when adaptive devices or aids may need to be utilized to enable that individual, at the individual's own expense, to perform the specific requirements of the job.
 - (7) Discharge or take other discriminatory action against an otherwise qualified person with a disability when adaptive devices or aids may need to be utilized to enable that individual, at the individual's own expense, to perform the specific requirements of the job.
 - (8) Make or use a written or oral inquiry or form of application that elicits, or attempts to elicit, information concerning the disability of a prospective employee for discriminatory purposes contrary to the provisions or purposes of this Part.
 - (9) Make or keep a record of information, or disclose information, concerning the disability of a prospective employee for discriminatory purposes contrary to the provisions or purposes of this Part.
 - (10) Make or use a written or oral inquiry or form of application that expresses a preference, limitation, or specification based on the disability of a prospective employee for discriminatory purposes contrary to the provisions or purposes of this Part...

19.

SEVENTH CLAIM FOR RELIEF

Defendants are indebted to Plaintiff for Disability Discrimination in Federal Law articulated as the Defendants are liable for violations of laws making disability discrimination unlawful, which occurs when an employer or other entity covered by the Americans with Disabilities Act, as amended, or the Rehabilitation Act, as amended, treats a qualified individual, Mr. O'Neal who is an employee unfavorably because he has a disability. The Defendant employer treated Mr. O'Neal, the employee less favorably because he has a history of a disability.

The law requires the Defendant employer to provide reasonable accommodation to an employee with a disability, unless doing so would cause significant difficulty or expense for the employer ("undue hardship") thus, Plaintiff has articulated facts that show a failure to accommodate Mr. O'Neal who is disabled or regarded as disabled and thus is a violation of 29 C.F.R. 1630.

38.

EIGHTH CLAIM FOR RELIEF

The Defendants are liable for violations of laws under Family and Medical Leave Act's (FMLA) for retaliating against Mr. O'Neal. The Defendants prohibition of retaliating against an individual for exercising his rights or participating in matters protected under the FMLA constructive termination of Mr. O'Neal while seeking medical attention, under FMLA because of his service is in violation of Louisiana Law, La. R.S. 29:422 et. seq.

39.

JURY TRIAL REQUESTED

Plaintiff prays for jury trial on all issues and asserts, damages would be in excess of the requisite amount for a jury trial.

WHEREFORE, Plaintiffs prays that Defendants be cited to appear and answer and that after resolution of this matter that this Court enter Judgment in favor of Plaintiffs against Defendants with legal interest from the date of demand as follows:

1. Lost back and front pay, all other lost employment benefits

and stock vesting and award options;

2. For emotional and mental distress, pain and suffering, humiliation, embarrassment and loss of employment opportunity;
3. Medical and pharmaceutical bills and services past, present and future;
4. All litigation expenses;
5. For attorneys fees and for costs as may be allowable by law;
6. For such other relief that the Court may deem just, equitable or proper.

And for all sums reasonable within the premises together with all attorney's fees, judicial interest from the date of demand, and the costs of these proceedings.

RESPECTFULLY SUBMITTED BY:

s/Charlotte C. McDaniel

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**PLEASE SERVE:
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**THE CHIEF OF POLICE OF TURKEY CREEK
BRITTANY GUILLORY
7711 US 167
Ville Platte, LA 70586**

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VERIFICATION

I, Zachary Johnson, undersigned proper person have read the Petition for Damages in the above captioned matter and attest that the factual allegations therein are true and correct to the best of my knowledge, information, and belief.

Signed this 19____ day of April , 2023 at _____, Louisiana.

Zachary Johnson

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