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**JURISDICTION AND VENUE**

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1. Plaintiff Brings this action under 42 U.S.C. § 1983 and the First Amendment of the United States Constitution.
2. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, which gives district courts original jurisdiction over civil actions arising under the Constitution, law or treaties of the United States.
3. This Court has jurisdiction pursuant to 28 U.S.C. 1343 (3) and (4), which give district courts jurisdiction over civil actions to secure civil rights extended by the United States government.
4. 28 U.S.C. § 1367, which gives the district court supplemental jurisdiction over state law claims.
5. Venue is appropriate in this judicial district under 28 U.S.C. § 1391 (b) because the events that gave rise to this Complaint occurred in the Western District of Louisiana, specifically in Lafayette Parish, making the Lafayette Division the most appropriate Division for this suit.

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**PARTIES**

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6. Plaintiff is a citizen of the United States and resided in either Lafayette Parish or in St. Landry Parish during all relevant periods, making Lafayette Parish the appropriate division for this suit.

7. Defendants Morgan, Griffin, Glover and Potier are, or were, either Interim Chiefs or Chiefs of Police for the Lafayette Police Department (the “LPD”) during all relevant times, and are sued in their individual capacities. As such, each either imposed and carried out the LPD discipline against Stanley complained of herein, or imposed or carried out LPD disciplinary practices, customs, policies, proceedings, and decisions, or carried out the disciplinary practices, policies, proceedings, or decisions of his predecessors complained of herein.
8. Defendant, the City of Lafayette/Lafayette Consolidated Government, is the highest local government in the chain of command for LPD and its employees. Thus, the LPD operates as an arm of the City.

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### FACTUAL ALLEGATIONS

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9. Stanley has served the LPD for many years since 2009 with distinction and excellent evaluations from his supervisors, and faced Internal Affairs (IA) for the first time in his distinguished career with LPD in May of 2020, when LPD launched IA disciplinary investigations against him in his capacity as a police officer. As a commissioned LPD police officer, Stanley is also a Fire and Police Civil Service Employee in good standing.
10. Stanley is a member of PAL #905, (PAL) a lawful and *bona fide* union under the umbrella of the Louisiana Union of Police Associations, (LUPA). Stanley served as President of PAL from June 2019 until July 28, 2020. Stanley was targeted for punishment by LPD for actions he took during this time in his private capacity and within his official duties and responsibilities as President of the union.

11. PAL maintains a public Facebook page, as many police unions do, and also uses a private Facebook group for communications and meetings between its members during times when the group cannot meet in person. Beginning in March of 2020, public gatherings of PAL and all other private groups were severely restricted due to the statewide mandates and restrictions imposed in Louisiana by Governor John Bel Edwards. PAL members adhered to all of the Governor's mandates, because although law enforcement officers were considered to be essential workers and excused from the mandates, when the PAL members gather, they do so as private citizens, and therefore adhered to all of the COVID pandemic restrictions in place during that time.
12. On May 15, 2020, at 8:45 am, while Stanley was off duty from LPD and acting solely in his individual capacity as PAL President, he posted a video on PAL's Facebook page, informing the public of PAL's opposition to proposed La. HB 577 and the potential negative consequences and effects on police department promotions should the bill pass into law. The video was approximately one (1) minute long, and viewable by anyone who looked at the PAL public Facebook page.
13. Prior to posting the video, Stanley ensured that the video was posted in PAL's private Facebook group so that members could view the video before it was posted and vote as to whether or not it was acceptable to each member who participated in the private Facebook group. The voting was carried out over a three-day period, and by unanimous vote, PAL members agreed that the video concerning HB 577 should be posted on the union's public Facebook page. Thus, Stanley, as union President, posted the video to the public Facebook page on May 15, 2020. See the video, attached hereto as Exhibit A.

14. Next, on May 18, 2020, and again while off duty from LPD and acting solely in his private capacity as PAL president, Stanley posted a narrative on the PAL public Facebook page describing a traffic stop on Interstate 10 where LPD officers apprehended a dangerous felon, wanted in Florida by authorities there, and confiscated large quantities of cocaine and cash. The public PAL Facebook post was highly complimentary to the entire LPD, and in no way singled out only officers who were also members of PAL (note: while all members of PAL are commissioned officers of LPD, not all LPD officers are members of the union, and PAL membership is not a condition of employment with LPD). All of the facts and information in the post created by Stanley were taken from freely available public records, such as affidavits of probable cause and arrest warrants. A screenshot of the May 18, 2020 Facebook post is attached hereto as Exhibit B.
15. Four days after the May 18, 2020 Facebook post, on May 22, 2020, LPD issued Stanley an internal memorandum informing him that he was under investigation by LPD Internal Affairs (IA) for violations of the LPD social media policies, public information and media relations policies, and public statements and news relations policies. All of these alleged LPD policy violations stemmed from the actions that Stanley took as a private citizen and President of PAL. *See* Exhibits C: internal memorandum; Exhibits D: LPD social media, E public information; and F: media relations policies.
16. On July 8, 2020, LPD interviewed Stanley and compelled his participation with IA in accordance with the Police Officer's Bill of Rights, LSA-R.S. § 40:2051, which is attached hereto as Exhibit G. The interview was recorded by the IA investigators, and also by Matthew Thomasee, who was present at the interview to video and audio record at

Stanley's request. See Transcript, Exhibit H. LPD IA has never provided Stanley with a recording of the July 8 interview.

17. Stanley was accompanied by his counsel, Allyson Prejean. Stanley read his prepared statement, attached here as Exhibit I. The IA investigators focused entirely on Stanley's actions and conduct as PAL president and member, and did not address any conduct taken in his position as an LPD officer. The only questions asked or conduct probed concerned Stanley's PAL actions in posting the May 15, 2020 video concerning HB 577 and the May 18, 2020 post praising the work of LPD officers during the I-10 traffic stop. The sole focus of the IA investigation was the PAL Facebook page and the May 2020 posts therein.
18. Additionally, Stanley was quizzed as to his role with PAL, how he administers the PAL Facebook public page and private group, PAL's relationship with LUPA, the political activities and workings of PAL with LUPA, and how the questioned Facebook posts were prepared and whether LUPA participated in their preparation. In fact, Ms. Prejean began the interview by pointing out to the IA investigators that she still did not know what the specific allegations were against Stanley in his role as a LPD officer. (Exhibit H, p. 6-7).
19. By the end of the interview, it was apparent that there was no actual conduct at issue with LPD IA other than Stanley's private and personal actions as a member and President of PAL.
20. Stanley plainly asserted his legal rights as union member and President according to *Lake Charles Police Officers' Ass'n Local 830 AFL-CIO v. Roach*, 211 So.3d 1173 (La. App. 3rd Cir. 2017), referred IA investigators to the letter written to Mr. Boudreaux by (then) City Attorney Mr. Escott, warning the City not to interfere in First Amendment protected

union activities, and provided undersigned counsel's cease and desist letter on behalf of Plaintiff and written to the LPD as Stanley's attorneys. *See* Exhibits J and K.

21. Thus, IA investigators were plainly informed that their investigation was in violation of Stanley's First Amendment rights as a private, protected member of a lawful police union, yet the IA investigators deliberately ignored this binding legal authority and legal advice from the City's own attorney and persisted in persecuting Stanley.
22. Lt. Chastity Arwood, LPD IA Commander, informed Stanley on August 11, 2020, that as a result of the IA investigations of him, Morgan was imposing discipline against him. Stanley would be suspended for 14 days, or 80 hours, with the suspension due to begin on August 23, 2020.
23. Stanley, under extreme emotional duress as a result of LPD's retaliatory actions against him, was off of duty on medically approved sick leave from August 17, 2020 until June 11, 2021. Thus, he did not serve the suspension until June 14, 2021-June 27, 2021.
24. In further retaliation, Morgan transferred Stanley from his elite position in LPD's K-9 division, where he served both as a Corporal and as a certified K-9 Instructor for many years and with considerable distinction, into Uniform Patrol. Exhibit L, the memorandum of transfer, is attached hereto.
25. While the transfer from K-9 did not involve a demotion in rank or nomenclature, it is nonetheless a demotion in substance. K-9 is an elite, highly specialized, trained, educated, and certified position that serves as a special unit within any law enforcement agency. It takes many years of dependable and competent service as a law enforcement officer, expensive training, and a special aptitude for the work, not open to rookie officers in uniform patrol. As a result of this transfer, Stanley was no longer able to accrue overtime

hours, a benefit of employment to which he was entitled and regularly obtained in his pre-transfer position with K-9.

26. In a bizarre move, the City attorney attempted to whitewash the retaliatory nature of Stanley's transfer out of K-9 and into Uniform Patrol by claiming that Stanley was transferred because of poor mental health:

“At the time of Stanley's notification of transfer, he had sought counseling services for a mental health issue. Stanley had also not worked in more than a month. During Stanley's absence-which at the time had no end in sight-LPD was left with one less K-9 on his shift. Such placed a burden on LPD. Further, because Stanley was receiving mental health treatment, an issue with his fitness for duty as a K-9 officer becomes a concern. Typically, K-9 units are regularly placed in dangerous and high-stress environments, which may include searches for suspects or drug interdiction in potentially hostile environments. This position created the likelihood of Stanley being placed in more high-stress situations than other officers. It could become a safety issue for both him and the other officers if his anxiety flares up while in a high-stress situation.”

Exhibit M, p. 16.

27. Notably, the City abandoned this *per se* discriminatory line of defense at Stanley's February 9, 2022 public hearing appealing his suspension and transfer before the Municipal Fire and Police Civil Service (MFPCS). See MFPCS transcript, Exhibit N.

28. At the February 9, 2022 hearing, Morgan swerved, claiming that Stanley was transferred from K-9 into Uniform Patrol for political reasons and not because of mental illness. Morgan instead claimed he perceived friction against Stanley from police chiefs outside of the Lafayette area because those same police chiefs opposed PAL's position on HB 577. Exhibit N, p. 97.

29. At the conclusion of the MFPCS hearing, the MFPCS declared that with regard to Stanley's transfer from K-9, Stanley had not met his burden to show it was retaliatory and discriminatory. Therefore, the transfer was sustained for just cause and in good faith.

MFPCS declared that Stanley's discipline for PAL's post concerning HB 577 was not for just cause and not in good faith. MFPCS declared that Stanley's PAL Facebook post concerning the I-10 traffic stop was for just cause and in good faith, but the suspension was too harsh; therefore, the suspension was reduced to three (3) days.

30. Both Stanley and the City appealed the MFPCS decisions to the 15th Judicial District Court, State of Louisiana, where the appeals are pending before that court, without any hearing date currently set.

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**FIRST CAUSE OF ACTION:  
VIOLATION OF PLAINTIFF'S FIRST AMENDMENT RIGHT TO FREE  
SPEECH**

*Pursuant to 42 U.S.C. § 1983*

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31. Plaintiff incorporates and restates each of the above paragraphs as if fully set forth herein.
32. 42 U.S.C. § 1983 provides in pertinent part "that every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory of the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and the laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress..." *Id.*
33. David Stanley is a public employee.
34. Morgan and the LPD have no authority to regulate the political actions of PAL or its individual members. As a union member, Stanley's statements and conduct made solely in his capacity as a union member or officer are protected by the First Amendment. Therefore,

LPD's IA investigation of Stanley because of his protected speech and its subsequent discipline is unlawful, reckless, and purely retaliatory.

35. Defendants' and LPD's actions are nothing more than a blatant attempt to chill Stanley's rights to free speech according to the First Amendment, chill and intimidate other members of PAL from speaking out on matters of public concern, and to chill and discourage membership in this lawful organization.
36. Labor unions such as PAL, composed entirely of classified civil service employees, are entities separate and distinctive from their individual members. As such, labor unions are not precluded from the political activities proscribed for civil service employees described in LSA-R.S § 33:2504.
37. Therefore, when the members of PAL speak (and as Stanley spoke at all relevant times in May of 2020) in their capacities as union members, they do so wholly and completely separate from their professional roles as classified, commissioned fire and police civil service employees of LPD. These PAL members belong to the union voluntarily and in their capacities as individuals, and not as employees of LPD.
38. Thus, the political posts by Plaintiff and PAL, whether on Facebook or any other social media outlet, cannot be attributed to the union members in their roles as civil service employees. This is a core distinction that has been readily understood and acknowledged by all, if not the LPD, since *Citizens United* and its progeny. The *Roach* court, above, relied heavily on *Citizens United v. Federal Election Commission*, 558 U.S. 310, 130 S. Ct. 876, 175 L.Ed. 753 (2010), noting that the Supreme Court included unions, corporations, and other associations of individual persons as covered persons within the First Amendment's protections, even though these are juridical rather than natural persons.

39. Those freedoms are critical in order to guarantee free political speech so as to foster discussion, debate, and circulation of ideas and information.
40. By making the shortest logical extension, a video in opposition to Louisiana House Bill 577 posted on PAL's Facebook page by PAL's president, Stanley, cannot be construed as Cpl. David Stanley, LPD K-9 Officer's public opposition to HB 577.
41. Similarly, the May 18, 2020 Facebook post by PAL President Stanley, praising the work of the entire LPD during an I-10 traffic stop, cannot be construed as the public opinion of Cpl. David Stanley, LPD K-9 Officer, because any police union is an entity legally separate and distinct from its individual members.
42. Stunningly, LPD did not even attempt to find a trivial, pretextual reason to discipline Stanley. Rather, LPD charged forward in full knowledge of the direct, obvious, and facially violative investigation of a union president for exercising protected First Amendment rights.
43. The clarity of the Constitutional violation here is exceeded only by its egregiousness. Thus the law, and the violation thereof with regard to Plaintiff's rights, was well established and known to Defendants.
44. Defendant's, by disciplining Stanley for speaking in his capacity as a police union president on issues of core political concern constitutes a clear and direct violation of the United States and Louisiana Constitutions guarantees of freedom of speech. Backtracking, as the City did, by claiming Stanley was transferred because of poor mental health, and then swerving away from that discriminatory tactic only goes to further demonstrate that the LPD and the City act with reckless disregard for the truth and the law.

45. LPD has been on actual notice since 2018 that their behavior of punishing their officers for union conduct and membership, is unlawful. On December 7, 2018, Paul Escott, writing as the City-Parish Attorney informed Jason Boudreaux, the attorney for the Lafayette Parish Sheriff's Office as follows, after Mr. Boudreaux complained about PAL (Exhibit I):

“Finally, because it is not within the authority of LCG and LPD to regulate the activities of the Police Association of Lafayette Local #905, neither has any intention to ‘handle’ the Union’s actions...

We have reviewed the Louisiana Constitution, Louisiana Revised Statutes, Louisiana case law, LCG’s civil service rules, LCG’s Social Media Policy and Procedure, as well as LPD’s general order on professionalism and conduct and find no violation has occurred with regards to LPD employee/union Facebook post(s), which amount to information that is a public record on the spending of public monies. After review of numerous sources of information, policies, and legal authorities, we simply do not agree that the publication puts law enforcement officials, or the public at an increased risk of harm, nor will we take any steps that would violate our employees’ rights protected by state and federal law to their freedom of association, their right to speak on matters of public concern, or their right to participate in a union. Further, we have no intention to in any way, interfere with union activity simply because it is viewed by another agency as being ‘politically motivated’.”

46. Morgan’s discipline against Stanley as a commissioned law enforcement officer and civil servant for LPD, for his personal and constitutionally protected union activities is unlawful, unconstitutional, and in direct violation of Stanley’s First Amendment rights of free speech. The Lafayette Police Department and its Interim Chiefs or Chiefs may disagree with PAL’s views as expressed in the media marketplace of Facebook, as is their right. What is not their right, however, is to keelhaul Stanley under the vessel that is the LPD so as to cause him economic, professional, and medical harm simply because he is a union member and former union president. This is the very thing that Morgan did here, and only because he personally and politically objected to the union’s protected political activity and right to speak out on matters of public concern.

47. Pursuant to 42 U.S.C. 1988(b), in any action or proceeding to enforce a provision of sections 1981, 1981a, 1982, 1983, 1985, and 1986 of this title...the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

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**SECOND CAUSE OF ACTION:  
FIRST AMENDMENT RETALIATION**  
*Pursuant to 42. U.S.C. § 1983*

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48. Plaintiff restates and realleges each of the above paragraphs as though fully set forth herein.

49. Defendants **THE CITY OF LAFAYETTE, SCOTT MORGAN, WAYNE GRIFFIN, THOMAS GLOVER, and MONTE POTIER**, acting individually and together, under color of law, acted to violate Plaintiff's right to freedom of speech and the right to seek judicial remedies for wrongs done, as protected under 42. U.S.C. § 1983 and the First Amendment of the United States Constitution.

50. Due to Plaintiff's comments in his private capacity as described above, Defendants have harbored against Plaintiff the adverse animus(es) set forth *supra*. Defendants, in disapproval of Plaintiff's speech posted to Facebook, have subjected him to suspension without pay at work, among the other adverse employment action(s) set forth herein.

51. Defendants have explicitly admonished Plaintiff's speech and have precluded him from further commenting about HB577 and his personal (and LUPA's) stance thereon.

52. Defendants have acted upon said animus(es) by taking an adverse and punitive stance against Plaintiff in his efforts to voice a private opinion on a matter of public concern on behalf of the police union.

53. Defendants have also overtly demonstrated a malicious disposition towards Plaintiff for publicly voicing these opinions in his capacity as a private citizen. Plaintiff's opinions were not imparted pursuant to his duties with the LPD and, as such, did not constitute speech made in a public capacity.
54. Defendants have overtly demonstrated a malicious disposition towards Plaintiff due to this protected speech about a matter of public concern – that concerning HB577 and how it would alter promotion of law enforcement officials.
55. In doing so, Plaintiff spoke as a private citizen on a matter of public concern – that being the public interest in HB577 and eliminating the merit-based civil service promotion of law enforcement officers in selected regional municipalities that the bill would cause.
56. Plaintiff's speech in no way impacted the City's efficient provision of public services.
57. In retaliation against Plaintiff for vocalizing his concerns in a public forum on Facebook, Defendants have admonished Plaintiff and subjected him to unsanctioned workplace disciplinary action in the form of suspension without pay and a punitive transfer which precluded him from accruing the overtime hours and pay he obtained in his pre-transfer position. This speech precipitated and directly caused the adverse employment action to which Plaintiff was subjected at the behest of the Defendants.
58. In retaliation against Plaintiff for asserting these protected opinions on his own behalf and on behalf of LUPA, Defendants have acted with ill intent to deprive Plaintiff of the right to address his concerns and seek support in the public forum hosted by Facebook.
59. In retaliation against Plaintiff for exercising his First Amendment rights as set forth herein, Defendants have intentionally deprived Plaintiff of the full benefits of his employment with the City, as set forth above.

60. Defendants, by their actions in disciplining Plaintiff for his speech, punitively seek to chill Plaintiff from exercising his First Amendment rights in a retaliatory fashion.
61. Defendant Morgan, Chief of Police of the LPD from January 1 to December 31, 2020, by the above disciplinary actions, punished and sought to chill Plaintiff from exercising his First Amendment rights in a retaliatory fashion.
62. Defendant Griffin, Chief of Police of the LPD from approximately October 2 to December 31, 2021, by continuation, renewal, and reinforcement of the above disciplinary actions, punished and sought to chill Plaintiff from exercising his First Amendment rights in a retaliatory fashion.
63. Defendant Glover, Chief of Police of the LPD from January 1 to approximately October 1, 2021, by continuation, renewal, and reinforcement of the above disciplinary actions, punished and sought to chill Plaintiff from exercising his First Amendment rights in a retaliatory fashion.
64. Defendant Potier, Chief of Police of the LPD from January 1, 2022 to present date, by continuation, renewal, and reinforcement of the above disciplinary actions, punished and sought to chill Plaintiff from exercising his First Amendment rights in a retaliatory fashion.
65. Each of the above Defendants, in concert and in continuation of the vengeful punishment of his predecessor police chief, established a prevalent, pervasive, and ongoing custom and policy of retaliatory and discriminatory conduct against Plaintiff for Plaintiff's exercise of his First Amendment freedom of speech.
66. Defendants arbitrarily and capriciously denied Plaintiff the benefits of his employment, as set forth herein, in direct admonishment for Plaintiff exercising his First Amendment rights.

67. Defendants are and were aware that prohibiting and punishing Plaintiff's free speech violates constitutional protections safeguarding individuals from such inequity.
68. As perpetrated by Defendants, the conduct complained of herein violates clearly established law and the constitutionally protected rights to free speech to which Plaintiff is entitled.
69. As Plaintiff is and was unequivocally entitled to exercise his First Amendment right to free speech, Defendants' conduct was not objectively reasonable in light of clearly established law at the time the conduct occurred.
70. Pursuant to 42 U.S.C. 1988(b), in any action or proceeding to enforce a provision of sections 1981, 1981a, 1982, 1983, 1985, and 1986 of this title...the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.
71. Wherefore Plaintiff asks this Honorable Court to find that under 42 U.S.C. 1983 Defendants, **SCOTT MORGAN** and **WAYNE GRIFFIN**, **CHIEFS THOMAS GLOVER** and **MONTE POTIER**, and the **CITY OF LAFAYETTE/LAFAYETTE CONSOLIDATED GOVERNMENT**, are liable for depriving the Plaintiff, **DAVID STANLEY**, of his rights, privileges, or immunities secured by the Constitution and law, namely the First Amendment. Furthermore, Plaintiff asks this Honorable Court to award attorney's fees as a part of the costs of this proceeding pursuant to 42 U.S.C. 1988.

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**PRAYER**

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**WHEREFORE**, Plaintiff requests that this Honorable Court enter judgment against Defendants providing the following relief:

- (a) Reasonable attorney's fees under 42 U.S.C. 1988;
- (b) Compensatory damages to be determined by a jury of Plaintiff's peers after the trial of this matter;
- (c) Lost wages and compensation, including back pay;
- (d) Reasonable and necessary medical care and expenses in the past, present and future, including but not limited to, medical expenses, counseling expenses, and all health-related expenses from August 17, 2020 until June 11, 2021.
- (e) Mental anguish damages in the past, present and future.
- (f) Injunctive relief; and
- (g) Such other and further relief, at law or in equity as afforded by Louisiana law, to which Plaintiff may be entitled.

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**DEMAND FOR JURY TRIAL**

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Pursuant to Rule 38 of Federal Rules of Civil Procedure, the Plaintiff demands trial by jury in this action of all issues so triable.

*{Signature page to follow}*

Respectfully Submitted,

**SUDDUTH & ASSOCIATES, LLC**

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