

CARL CALDER

15<sup>th</sup> JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO.

CITY OF ABBEVILLE

VERMILION PARISH, LOUISIANA

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**PETITION FOR DECLARATORY RELIEF  
AND DAMAGES**

The petition of **CARL CALDER**, an individual over the age of majority, domiciled in the Parish of Vermilion, State of Louisiana, respectfully represents:

1.

Made defendant herein is:

- a. **CITY OF ABBEVILLE**, a duly organized political subdivision of the State of Louisiana as set forth by Louisiana Revised Statute 13:5102, with its principal place of operations at 101 N State Street, Abbeville, LA 70510.

2.

Plaintiff is currently employed by the City of Abbeville as a Sergeant for the Abbeville Police Department.

3.

Pursuant to Louisiana law, Defendant is required to establish a pay schedule for all employees of the Abbeville Police Department. Said pay schedule is memorialized by statute under La. R.S. 33:2212(F).<sup>1</sup>

4.

In 2019 the legislature passed a law allowing the City of Abbeville to provide raises to Police Officers of the Abbeville Police Department, funded by an additional sales tax.

<sup>1</sup> (1) Notwithstanding the provisions of Subsections A and B of this Section, in the city of Abbeville the minimum salaries of full-time employees of the police department shall be in accordance with the following schedule:

(a) A police officer shall receive a minimum monthly salary of seven hundred sixty-six dollars and eighty cents per month.

(b) A police officer first class shall receive a minimum monthly salary of not less than fifteen percent above that of a police officer.

(c) A sergeant shall receive a minimum monthly salary of not less than twenty-five percent above that of a police officer.

(d) A lieutenant shall receive a minimum monthly salary of not less than fifty percent above that of a police officer.

(2) On and after August 1, 1982, each member of the police department of the city of Abbeville who has had three years continuous service shall receive an increase in salary of two percent and shall thereafter receive an increase in salary of two percent for each additional year of service. Both the base pay and accrued longevity shall be used in computing such longevity pay.

(3) Notwithstanding any other provisions of law to the contrary, the city of Abbeville is hereby authorized to grant equal raises to all full-time officers of the Abbeville Police Department, without consideration of rank or longevity. The raises shall be funded by an additional sales tax, if approved by the registered voters of the city.

if approved by the registered voters of the city.<sup>2</sup> The registered voters of Abbeville voted in favor of this additional sales tax in May of 2019.<sup>3</sup>

5.

On or about December of 2022, the Abbeville City Council approved a new operating budget that allowed the City of Abbeville to pay starting officers a salary of \$40,000.00 annually.

6.

On or about November 7, 2023, officers of the Abbeville Police Department confirmed by Public Record Request that starting Patrolmen for the Abbeville Police Department are receiving a salary of \$40,000.00 annually.

7.

Pursuant to La. R.S. 33:2212(F) all senior officers should receive a minimum salary of a designated percentage above that of a starting officer.

8.

Pursuant to La. R.S. 33:2212(F), it is a violation of State law for the City of Abbeville to not pay Abbeville Police Department Officers in accordance with the statutory pay scale listed therein.

9.

On or about July of 2024, Plaintiff was promoted to Sergeant, wherein the Chief of the Abbeville Police Department submitted a request to the City of Abbeville to raise Plaintiff's salary to amount that is in compliance with La. R.S. 33:2212(F), which would be an amount above \$50,000.00.

10.

Upon information and belief, the City of Abbeville refused the Chief of Police's request to raise Plaintiff's pay above \$50,000.00 in accordance with the statute.

11.

Plaintiff's current salary is \$47,063.97 which is in direct violation of La. R.S. 33:2212(F).

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<sup>2</sup> 2019 La. Sess. Law Serv. Act 189 (S.B. 142)

<sup>3</sup> <https://www.katc.com/news/vermillion-parish/new-abbeville-sales-tax-takes-effect-tomorrow>



12.

Since the current pay of Plaintiff is in violation of Louisiana law, Plaintiff is entitled to a judgment declaring that his pay currently in effect violates Louisiana law and further illegally reduces Defendant's obligation to pay minimum salaries of senior officers.

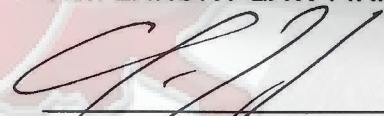
13.

Plaintiff is entitled to a money Judgment against the Defendant, **CITY OF ABBEVILLE**, in a sum equal to the amount of wages and benefits he has been deprived of due to the City of Abbeville's adoption of the unlawful pay schedule, together with legal interest on all wages and benefits from the date those wages and benefits were due.

**WHEREFORE**, premises considered, Plaintiff prays that after due proceedings are had, there be Judgment herein in their favor decreeing that the City of Abbeville's current pay for Plaintiff is in violation of Louisiana law and further requiring Defendant to pay Plaintiff, a sum equal to the amount of wages and benefits he has been deprived of due to the City of Abbeville's adoption of the unlawful pay schedule, together with legal interest on all wages and benefits from the date those wages and benefits were due, attorney fees and for all costs of this suit.

Respectfully Submitted,

**THE LANDRY LAW FIRM**



**CHRISTIAN B. LANDRY, #35875**

**DANIEL M. LANDRY III, #7976**

Attorneys for PLAINTIFF

P.O. Box 3784

Lafayette, LA 70502

(337) 237-7135

[chrislandry@daniellandrylaw.com](mailto:chrislandry@daniellandrylaw.com)

[daniellandry@daniellandrylaw.com](mailto:daniellandry@daniellandrylaw.com)

**PLEASE SERVE:**

**CITY OF ABBEVILLE**

Through its Mayor

Honorable Roslyn White

101 N State Street

Abbeville, LA 70510