

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

ISAAC CALVIN COOPER,

Plaintiff,

vs.

CITY OF RED BANK, TENNESSEE,

Defendant

JURY DEMAND

NO. 11C1040

DIVISION _____

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PAUL E. WATSON, CLERK
BY [Signature]
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COMPLAINT

Comes Plaintiff and sues Defendant. Plaintiff shows unto the Court as follows:

I. JURISDICTION

1. Plaintiff Isaac Calvin Cooper is a 59-year-old African-American resident of Chattanooga, Hamilton County, Tennessee.

2. City of Red Bank, Tennessee (hereinafter referred to as "Red Bank") is a governmental entity organized and existing under the laws of the state of Tennessee. Red Bank is located in Hamilton County, Tennessee, and is an "employer" for purposes of relevant law.

3. This is an action for unlawful employment practices brought under Tenn. Code Ann. § 4-21-311 for age and race discrimination in employment (Tennessee Human Rights Act) and Tenn. Code Ann. § 8-50-601, *et seq.* ("PEPFA").

4. Jurisdiction and venue are proper in this Court.

II. FACTUAL BASES OF PLAINTIFF'S CLAIMS

5. Plaintiff has more than 36 years of experience in law enforcement.

6. Plaintiff became a police officer with the City of Red Bank Police Department in August 2003.

7. From the beginning of his employment, up to and including 2010, Plaintiff was the only African-American police officer with Red Bank and the only African-American employee in the entire City of Red Bank.

8. During the course of his employment with Red Bank, Plaintiff was promoted to the head of Red Bank's Major Crimes Unit. In this position, Plaintiff investigated major crimes and worked with county and state agencies in investigations. Plaintiff also held the positions of Domestic Violence Instructor and Field Training Officer.

9. Plaintiff left the City of Red Bank in February 2009 but returned a few months later. Upon his return, Plaintiff was denied his prior seniority and was reinstated only as a patrol officer.

10. In August 2010, Defendant had an opening for a detective in Major Crimes. Plaintiff interviewed for this position and was the most qualified for the position. However, a less experienced, less qualified, white male in his thirties was given the promotion.

11. Defendant's pretextual reason for not promoting Plaintiff was that the younger, white employee had "scored" higher. However, the candidates did not take any tests for the promotion, and Plaintiff was able to answer questions regarding major crimes which the younger, white employee could not answer.

12. In the few months before the promotion, Plaintiff, along with others, met with commissioners regarding then Chief Sneed. Red Bank learned of this meeting, and discriminated against Plaintiff for exercising his right to communicate with elected public officials.

13. As a result of all of these discriminatory actions, Plaintiff has suffered significant income loss, humiliation and embarrassment and other expense.

14. Defendant is responsible for the acts of its supervisory agents.

15. Defendant's conduct described in this complaint was undertaken with malice or with reckless disregard for and indifference to Plaintiff's protected rights and was intentional, malicious, reckless and/or fraudulent.

16. As a result of Defendant's conduct, Plaintiff has lost income and other privileges and benefits of employment, has suffered embarrassment, humiliation, stress, anxiety, inconvenience, damage to his reputation and standing in the community, and loss of enjoyment of life, and has incurred attorneys' fees and expenses.

III. LEGAL CLAIMS

A. COUNT ONE – TENNESSEE HUMAN RIGHTS ACT

17. Plaintiff was denied promotion and discriminated against in the terms and conditions of his employment on the basis of his race and/or age in violation of Tenn. Code Ann. §4-21-401, *et seq.*

B. COUNT TWO – VIOLATION OF THE PEPFA

18. Plaintiff's exercise of his right to communicate with elected and other public officials was a substantial or motivating factor in the failure to promote Plaintiff in violation of Tenn. Code Ann. §8-50-603, *et seq.*

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays as follows:

a. That proper process be issued and served upon Defendant, and Defendant be required to answer within the time prescribed by law.

b. That upon the hearing of this cause Plaintiff be awarded judgment for damages for lost wages and the value of all employment benefits which he has lost from the date of Defendant's failure to promote him;

c. That the Court issue an injunction requiring Defendant to promote Plaintiff to the major crimes division or at an equivalent job with all employment rights and benefits to which he would have been entitled but for the discrimination, and without harassment or illegal conditions imposed on his job, or in the alternative, front pay and benefits in lieu of promotion;

d. That Plaintiff be awarded damages for humiliation and embarrassment, attorneys' fees, costs and such other and further relief to which the Plaintiff is entitled pursuant to relevant law;


e. That Plaintiff be awarded all damages as allowed for the violations of Tenn. Code Ann. §4-21-301, *et seq.*;

f. That Plaintiff be awarded treble damages under Tenn. Code Ann. §8-50-601.

g. That Plaintiff be awarded prejudgment interest; and

h. That a jury try the issues in the cause.

BURNETTE, DOBSON & PINCHAK

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