

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

FILED

2013 JAN -2 P 2:09

DALLAS LONGWITH, )  
Plaintiff )  
v. )  
THE BRADLEY COUNTY )  
SHERIFF'S DEPARTMENT, )  
BRADLEY COUNTY, TENNESSEE, )  
and SHERIFF JAMES RUTH, )  
Defendants )

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

BY \_\_\_\_\_ DEPT. CLERK

CASE NO. 1:13-CV-1

Judge Collier / Carter

**COMPLAINT**

Comes now the plaintiff, by and through his attorneys, and for support of this complaint would show to the court as follows.

**JURISDICTION AND VENUE**

1. The Plaintiff is a resident of Bradley County, Tennessee. All the acts complained of occurred in Bradley County, Tennessee, which is a part of the geographic area under the jurisdiction of the United States District Court for Eastern Tennessee.

2. The Bradley County Sheriff's Department is located in Bradley County, Tennessee, and was created by the Tennessee Constitution and applicable state law. Bradley County is a political subdivision of the state of Tennessee. Sheriff James Ruth is the current Sheriff of Bradley County, Tennessee, having been

elected in August of 2010. He serves a four-year term. He is also a resident of Bradley County, Tennessee.

3. Jurisdiction and venue are invoked pursuant to 28 USC sections 1331, 1343(a)(3) and (4) and 42 USC section 1983 and 1988.

### **FACTS**

4. Dallas Longwith was a Bradley County Sheriff's deputy who was assigned to Chancellor Jerri Bryant as a court officer in the calendar year 2011. Sheriff Ruth was elected in August of 2010 after a contentious election with Steve Lawson who was a Captain in the Bradley County Sheriff's Department at the time of the election. After his election, Sheriff Ruth systematically demoted, cut pay and/or changed the shifts of Sheriff's deputies who had openly supported Lawson in the election. After his election defeat, Captain Lawson became the Director of the 10th Judicial District Drug Task Force leaving the Bradley County Sheriff Department. After the election, Captain Eric Watson of the Bradley County Sheriff's Department was given the choice of either being fired or resigning voluntarily. He chose to resign in the face of threats of termination. Captain Watson is a State Representative in the Tennessee House of Representatives. This is a position he still holds. Captain Watson supported Sheriff Ruth but the plaintiff would assert that he was effectively terminated to eliminate a potential political rival.

5. It is well known to both Sheriff Ruth and other people in Bradley County that Eric Watson may run against him in 2014 for the position of Sheriff. Dallas Longwith is a longtime friend of Eric Watson. It is well known in the Sheriff's Department and to Sheriff Ruth that they are personal friends. It is further well known to the defendants that should Watson run for Sheriff, Longwith would support him. The plaintiff has spoken to citizens of Bradley County in support of Watson's potential candidacy for Sheriff prior to his firing. Sheriff Ruth was aware of Watson's potential candidacy when he fired the Plaintiff.

6. A convicted felon who lives near the Plaintiff made a false complaint to the Sheriff's Department that the Plaintiff was mowing grass in his underwear. At the time, Captain Watson was still his superior and told him about the complaint. The Plaintiff denied it, and Captain Watson advised him there was nothing to worry about as it was such a ridiculous allegation. In fact Mr. Longwith had been mowing his grass in a pair of regular shorts which are made of flannel cotton and have an orange and white plaid design.

7. The same convicted felon who apparently does not like living near a police officer, allegedly made another complaint about Mr. Longwith mowing his grass in his underwear in December of 2011. Without questioning the patently absurd notion of someone mowing the grass wearing only boxer shorts in December, the Bradley County Sheriff's Department placed Dallas Longwith on

leave with pay and conducted some form of investigation. Among the questions that investigators asked the Plaintiff's neighbors was whether he answered the door naked and whether he would get his mail naked. Neighbors were also asked about whether he mowed grass in his underwear. After this investigation was complete, Sheriff Ruth terminated the plaintiff on January 4, 2012, for allegedly mowing grass in his underwear. The specific reason was conduct unbecoming an officer. Mr. Longwith never mowed his grass in his underwear or in inappropriate clothes. The Plaintiff asserts that this was a subterfuge to rid the Department of a potential Eric Watson supporter just as Sheriff Ruth had punished those who supported Lawson in the election.

8. Dallas Longwith had served Bradley County for many years without any incident. Chancellor Bryant thinks he did a fine job as her court officer. There was no reason to terminate him other than to serve the political interest of Sheriff Ruth.

9. Historically in Bradley County, those who support the losing candidate in a Sheriff's race and who work in the Sheriff's Department suffer demotion, a cut in pay or termination. This is a historical pattern which extends backwards many years. The Plaintiff contends that it has become acceptable policy and procedure in that department to exact this political vengeance. The Plaintiff would assert that it is impossible for the political elected leadership of Bradley County to be unaware of this fact as these terminations and demotions have generated a great deal of

discussion in public, some press coverage and is been brought before the County Commission. The Plaintiff contends that the County Mayor and County Commissioners are well aware of this practice and approve of it by failing to bring it to an end. After Sheriff Ruth's first wave of political retaliation, the County Commission discussed in open meeting the necessity of enacted civil service rules to protect Sheriff's Department personnel from retaliation after elections. The Plaintiff asserts that this was in direct reaction to Sherriff Ruth's actions against Lawson supporters. Further, the Plaintiff asserts that this practice has become policy and procedure in Bradley County and is accepted by the elected political leadership of this County and the Sheriff's Department. The Plaintiff asserts that his termination is a direct result of his association with Eric Watson and his support of his potential run for Sheriff. Sheriff Ruth's terminated him for no good cause and the Bradley County Sheriff's Department and Bradley County Commission and Mayor effectively approve of this practice.

**CLAIM FOR VIOLATION OF PLAINTIFF'S CIVIL RIGHTS**

10. The Plaintiff alleges that this action violated his civil rights by violating his First Amendment right to free speech and free association. More specifically, the Defendants penalized the Plaintiff for his political association with Eric Watson and because Eric Watson is a threat to defeat James Ruth in the next election. This action is in violation of 42 USC § 1983. A citizen's First Amendment rights are

protected under the Civil Rights Act and that this has been recognized by the courts of the Sixth Circuit of the United States.

11. As a direct result of the Defendants' actions in wrongfully terminating him, the Plaintiff has suffered a loss of income, loss of medical insurance, loss of benefits, humiliation, emotional distress and a lowering of the standard of living. The Plaintiff has employed an expert witness who has estimated that this wrongful termination has created an economic loss of which the present value is slightly under five hundred thousand dollars (\$500,000.00). The Plaintiff has suffered a loss of income due to having to pay for medical care without insurance. The Plaintiff has gone without medical care due to a lack of insurance. The Plaintiff has lost his pension benefits.

12. The Plaintiff has looked diligently for employment but been unable to maintain steady employment. Shortly after being terminated the Plaintiff was advised he was going to be hired by Walden Security. He was fitted for uniforms and preparing to go to work when he was suddenly advised by Walden that they would not be hiring him. The Plaintiff believes this is a direct result of communication between the agents of the Bradley County Sheriff Department and Walden Security. The Plaintiff alleges that his status as a terminated deputy has hurt his ability to gain employment.

13. The Plaintiff has suffered extreme humiliation and emotional distress as a result of his termination. He was humiliated by the internal affairs investigators asking his neighbors if he answered the door in the nude. The fact that his employers accepted the word of someone with an ulterior motive to terminate him for something as ridiculous as mowing your grass in your underwear in the month of December has caused extreme emotional distress and humiliation to the Plaintiff and lowered his esteem in the community where he lives. The Plaintiff has been treated for Post-Traumatic Stress Disorder since his firing but lacks the resources to receive the counseling he needs to overcome this problem. This disorder is still afflicting the Plaintiff due to his inability to pay for counseling.

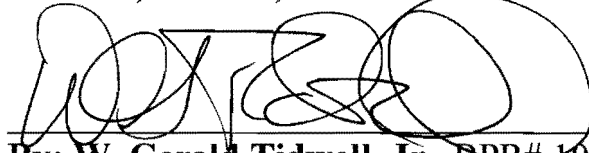
14. The actions of Sheriff Ruth were intentional and intended to harm the Plaintiff. These actions were in accordance with the custom of this Department and effectively approved of by the County Commission and County Mayor. These elected officials cloaked themselves in the legitimacy of their offices and ignore this illegal action in violation of the Plaintiff's First Amendment rights to free speech and free association.

15. The Plaintiff asks for compensatory damages in the amount of one million dollars (\$1,000,000.00) and punitive damages in the amount of five hundred thousand dollars (\$500,000.00). Further, the Plaintiff asks that his

attorney's fees and costs of litigation also be paid by the Defendants as is provided for in the statute.

Respectfully submitted,

**JAMES, GOINS, CARPENTER & TIDWELL**

A handwritten signature in black ink, appearing to read 'W. Gerald Tidwell, Jr.', written over a horizontal line.

**By: W. Gerald Tidwell, Jr., BPR# 10136**

Attorney for Plaintiff Dallas Longwith

817 Broad Street, Second Floor

Chattanooga, TN 37402

Telephone: (423) 756-3646

Facsimile: (423) 756-3647



# 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.)

<p><b>I. (a) PLAINTIFFS</b>                  Dallas Longwith</p> <p><b>(b) County of Residence of First Listed Plaintiff</b> <u>Bradley</u>                  (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c) Attorneys (Firm Name, Address, and Telephone Number)</b>                  W. Gerald Tidwell, Jr.                  817 Broad St, 2nd Floor, Chattanooga,                  TN 37402      423-756-3646</p>	<p><b>DEFENDANTS</b> <u>The Bradley Co. Sheriff's Department, Bradley Co., TN, and Sheriff James Ruth</u>                  County of Residence of First Listed Defendant <u>Bradley</u>                  (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

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

Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
			<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395if) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**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 (specify)     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):  
42 USC Sections 1983 + 1988

Brief description of cause:  
violation of civil rights

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 1.5 million plus Att'y fees + costs    CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 1.2.13    SIGNATURE OF ATTORNEY OF RECORD [Signature]