

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

SHAWN CORDELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
CITY OF DUNLAP and)	Judge _____
DWAIN LAND in his official capacity as)	
Mayor of the City of Dunlap and)	Jury Demand
in his individual capacity,)	
)	
Defendants.)	

COMPLAINT

1. Comes now the Plaintiff, Shawn Cordell, by and through counsel, pursuant to Federal Rules of Civil Procedure 7-12, and hereby states for his cause of action against the above-named Defendants as follows:

I. THE PARTIES

2. The Plaintiff, Shawn Cordell, is a resident of Sequatchie County, Tennessee.

3. The Defendant, City of Dunlap, is a governmental entity organized and existing under the laws of the State of Tennessee.

4. The Defendant, Dwain Land, is a citizen and resident of Sequatchie County, Tennessee, and at all relevant times hereto was the elected Mayor of the City of Dunlap.

5. The Defendants, City of Dunlap and Dwain Land, were acting under color of law so as to subject them to the provisions of 42 U.S.C. § 1983 with respect to this matter.

II. JURISDICTION AND VENUE

6. This court has jurisdiction over the subject matter and the parties to this lawsuit pursuant to 28 U.S.C. § 1331.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

III. GENERAL ALLEGATIONS

8. The Plaintiff, Shawn Cordell, was working for the City of Dunlap as the foreman of the Sewer Department in May of 2017. Plaintiff began working for the City of Dunlap on August 25, 1992 and worked there for approximately 25 years.

9. During the course of his employment, the Plaintiff performed his job duties at all times in a satisfactory manner. He was never subjected to any form of disciplinary action during his employment, and his performance evaluations at all times assessed his job performance as above standard and outstanding.

10. On May 6, 2017, the mayoral election was held for the City of Dunlap. The three candidates running for the office were Rhonda Summers, Jennifer Greer, and incumbent Dwain Land.

11. Rhonda Summers is the Plaintiff's sister-in-law.

12. Plaintiff spoke with Dwain Land before the election about Rhonda Summers running for Mayor. Plaintiff made it known to Dwain Land that as an

employee of the City of Dunlap, Plaintiff would not be participating in any campaign activities for his sister-in-law while at work. Dwain Land assured Plaintiff that he would not seek reprisal for the contested mayoral race.

13. Plaintiff's wife also spoke to Dwain Land before the election to make sure that her sister running for Mayor would not have an adverse effect on her husband's job.

14. In the months leading up to the election, Plaintiff campaigned publicly on behalf of Rhonda Summers, hosting campaign events and speaking with potential voters about the election. On the day of the election as well as early voting, Plaintiff accompanied Rhonda Summers to voting precincts.

15. Defendant, Dwain Land, was aware of the Plaintiff's position and campaigning with respect to the mayoral election.

16. Defendant, Dwain Land, was re-elected as the Mayor of Dunlap on Saturday, May 6, 2017.

17. The very next Thursday on May 11, 2017, after the State reports were due, Plaintiff's employment was terminated by the Defendant falsely claiming that Plaintiff was "unable to work well with co-employees".

COUNT I
Retaliatory Discharge
First Amendment to the U.S.
Constitution 42 U.S.C. §
1983

18. Plaintiff repleads and incorporates by reference the allegations detailed in Paragraphs 1-17 as though fully set forth herein.

19. By publicly supporting a candidate during the election for the position of Mayor of the City of Dunlap, Plaintiff engaged in constitutionally protected free speech under the First Amendment.

20. Statements made supporting or opposing particular political candidates during a public election are a matter of public concern.

21. The constitutionally protected statements made, and activities engaged in, by Plaintiff during the election for the position of Mayor of Dunlap did not interfere with the ordinary operations of the City of Dunlap.

22. Plaintiff was terminated from his employment with the City of Dunlap on May 11, 2017, a mere five days after the election.

23. Plaintiff was terminated in retaliation for his engagement in constitutionally protected speech.

24. As a result of the Defendants' actions, Plaintiff has suffered, and continues to suffer, damages.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendants for all amounts due and owing to Plaintiff, plus compensatory damages including emotional damages and humiliation in an amount not to exceed \$1,500,000.00 and punitive damages not to exceed \$1,500,000.00, attorney fees, all other appropriate pre-judgment, contractual, and post-judgment interest, discretionary and non-discretionary costs, and any and all other costs incurred herein, and further respectfully requests that the Court grant Plaintiff such other and further relief as this Court deems just and

proper under these circumstances.

Respectfully submitted,

DAVIS, KESSLER & DAVIS

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