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April 13, 2020

City of Buffalo Center  
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PO Box 430  
Buffalo Center, Iowa 50424

Don Hemphill  
215 Grand Avenue  
PO Box 1475  
Spencer, Iowa 51301

Sent via Email: don@hemphill-law.com

RE: Dustin Buck

**FOR SETTLEMENT NEGOTIATION PURPOSES –**  
**COMMUNICATION PROTECTED UNDER IOWA RULE OF EVIDENCE 5.408**

Mayor Davids & Mr. Hemphill:

Please be advised our office represents Dustin Buck with regards to his employment and termination from the City of Buffalo Center.

As you are aware, Mr. Buck began his employment as a police officer with the City of Buffalo Center on January 22, 2020. After working in this position without complaint from the city council or members of the community, Mr. Buck was contacted by Mayor Davids on March 10, 2020. Mayor Davids clearly points out in his text message that, "writing citations or arresting people for have one to many I will not tolerate!!!!!"

After reaching out to Mayor Davids regarding this text message and explaining his position on Mayor Davids' clear prohibition against fulfilling Mr. Buck's obligations as a peace officer in ensuring safe roadways by keeping intoxicated individuals off the street, Mayor Davids terminated Mr. Buck's employment on March 19, 2020. Mayor Davids explained in his termination letter that Mr. Buck was being terminated for what he called "differences of opinion as to law enforcement philosophy and inappropriate communications to persons outside the city."

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What I take from Mayor Davids' reason for the termination of Mr. Buck is that he did not want Mr. Buck to fulfill his obligations as a peace officer and cite or arrest intoxicated individuals and his actions in policing said individuals unlawfully cost him his job.

Because of the actions of Mayor Davids and the City of Buffalo Center, I believe Mr. Buck has a fairly straight forward claim for wrongful discharge from employment in violation of public policy. If successful on such a claim, Mr. Buck would be entitled to back pay, front pay, emotional distress damages and punitive damages. Based upon the actions of Mayor Davids, I believe a court would allow the submission of punitive damages and a jury would most likely award significant damages for that category.

Overall, I believe Mr. Buck has a strong case. He has a case that will withstand a summary judgment motion simply based upon the closeness in proximity of Mr. Buck's protected activity and his termination. I am confident based upon the facts of this case, that a jury would award substantial damages for front pay, back pay, emotional distress and punitive damages. This is not to mention the attorney's fees which are likely to be \$100,000.00 plus at the close of trial and at least \$50,000.00 to \$65,000.00 following a motion for summary judgment hearing which the Defendants will lose.

With the above in mind, Mr. Buck is willing to settle this matter for the sum of \$90,000.00. Settlement obviously removes the possibility that the jury award may be substantially higher and include punitive damages and removes any adverse publicity that would certainly be encountered in this case after Mayor Davids terminated an employee without cause and in violation of public policy.

Please have a response to this demand back to me by Wednesday, April 22, 2020. If we do not have a response by then, we will move forward with filing a petition in district court naming the City of Buffalo Center and Mayor Davids in his personal and individual capacities.

Very truly yours,

BY: 

Christopher Stewart  
cstewart@parrishlaw.com

CS/kl