

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

AMANDA MAXWELL BURGER,	)	
	)	
Plaintiff,	)	JURY DEMAND
	)	
v.	)	Case No. 18-CV-
	)	
COUNTY OF MACON, a unit of local	)	
government and ALBERT JAY SCOTT,	)	
	)	
Defendants.	)	

COMPLAINT

COMES NOW the Plaintiff, AMANDA MAXWELL BURGER, (“BURGER”) by her attorneys, Costigan & Wollrab, P.C., and for her Complaint against the Defendants, COUNTY OF MACON, a unit of local government by and through its Chairman of the Board and Members of the COUNTY OF MACON (“MACON”) and ALBERT JAY SCOTT, (“SCOTT”) hereby states the following:

JURISDICTION

1. Jurisdiction is proper pursuant to 28 U.S.C. §1331 (2012) as BURGER’s claims arise under the Constitution, laws or treaties of the United States. In particular, BURGER’s claims are being brought pursuant to 42 U.S.C. §1983 as well as the Fourteenth Amendment to the Constitution.

2. Additionally, this Court has jurisdiction of the state law claims asserted herein on the basis of its exercise of ancillary jurisdiction.

VENUE

3. Venue is proper pursuant to 28 U.S.C. §1391(b), in that the claims arose in Macon County and in this district as alleged below.

PARTIES

4. At all times relevant to the matters set forth in this Complaint, BURGER was a resident of Macon County, Illinois.

5. During all times relevant to the matters set forth in this Complaint, BURGER was an employee of MACON.

6. At all times relevant to the matters set forth in this Complaint, SCOTT was a resident of Macon County, Illinois.

7. At all times relevant to the matters set forth in this Complaint, MACON was a unit of local government situated in Macon County, Illinois. MACON is a municipal corporation, duly incorporated under the laws of the State of Illinois, and MACON was the employer of BURGER and the employer of Nichole Kroncke and Kim Tarvin.

8. At all times relevant to the matters set forth in this Complaint MACON acted through its Chairman of the Board and Members of the County Board of MACON and held its meetings and oversaw the operations of MACON in Macon County, Illinois.

GENERAL ALLEGATIONS

9. That BURGER was hired by MACON on or about March 17, 2010 where BURGER remained employed with MACON until on or about May 20, 2017 when BURGER's employment with MACON was terminated.

10. That BURGER initially served as an intern with MACON. Thereafter, she was hired as a full time employee of MACON beginning on March 17, 2010. During her tenure as an employee of MACON, BURGER received various promotions including service as the ARI Program Administrative Assistant, Preliminary Administrative

Assistant, Felony Unit Administrative Assistant and as Personnel Director.

11. That at all times relevant to the matters set forth in this Complaint, BURGER was an employee of MACON assigned to serve in the office of the Macon County State's Attorney. That on March 17, 2010 and continuing to May 20, 2017, BURGER was meeting the legitimate business expectations of MACON.

12. That on March 17, 2010, BURGER executed an acknowledgement of the MACON Employee Handbook governing her employment as an employee of MACON.

13. That pursuant to the provisions of the MACON Employee Handbook, MACON promised to provide BURGER with a work environment free of discrimination, harassment or retaliation.

14. At all times relevant to the matters set forth in this Complaint, SCOTT was the elected State's Attorney of the County of Macon.

15. That at all times relevant to the matters set forth in this Complaint, Nichole Kroncke was employed by MACON and assigned to serve as an Assistant State's Attorney of the County of Macon. That as an employee of MACON, Nichole Kroncke was provided with a cellular phone owned by MACON and monitored by MACON in accordance with MACON's cellular and electronic transmission monitoring system. That at all times relevant to the matters set forth in this Complaint, Nichole Kroncke was acting in the course and scope of her employment with MACON, under color of state law, ordinance and or regulation.

16. That at all times relevant to the matters set forth in this Complaint, Kim Tarvin was employed by MACON and assigned to work in the office of the State's

Attorney of the County of Macon. That at all times relevant to the matters set forth in this Complaint, Kim Tarvin was acting in the course and scope of her employment with MACON, under color of state law, ordinance or regulation.

17. That at all times relevant to the matters set forth in this Complaint, Nichole Kroncke and Kim Tarvin were subject to the provisions of the MACON Employee Handbook.

18. That on September 11, 2015, BURGER reported to SCOTT that Nichole Kroncke had violated certain provisions of the MACON Employee Handbook prohibiting the disclosure of confidential information of employees of MACON. In particular, BURGER advised SCOTT that Nichole Kroncke had transmitted confidential and private information of a former employee to other employees of MACON in violation of the provisions of the MACON Employee Handbook. In addition, BURGER notified SCOTT that Nichole Kroncke had violated Illinois statutory provisions protecting employee confidential information, including but not limited to the provisions of the Illinois Right to Privacy in the Workplace Act. BURGER also notified SCOTT that Nichole Kroncke had violated other laws of the State of Illinois protecting employees from discrimination, harassment and retaliation. In particular, BURGER advised SCOTT that Nichole Kroncke had terminated employees of MACON in violation of the provisions of the MACON Employee Handbook and also federal and state laws prohibiting discrimination and harassment of employees based on certain protected characteristics.

19. Thereafter, SCOTT informed Nichole Kroncke that BURGER had notified SCOTT of various asserted federal and state law violations committed by Nichole Kroncke.

20. That Nichole Kroncke had the power to hire and fire employees of MACON, including BURGER.

21. That following Nichole Kroncke's return to work after an approved leave of absence from on or about September 14, 2015 to January 4, 2016, Nichole Kroncke targeted BURGER and together with SCOTT created a work environment that was hostile, threatening and retaliatory toward BURGER.

22. In particular, Nichole Kroncke committed the following: a) isolated BURGER from business meetings where BURGER would have had a legitimate expectation of involvement; b) ignored chain of command and encouraged other employees of MACON to avoid honoring the chain of command; c) instructed employees of MACON to forego communicating with BURGER; d) excluded BURGER from receipt of certain communications of which BURGER would have had a right and need to know; e) exhibited blatant hostilities toward BURGER in front of other employees of MACON subordinate to BURGER; f) referred to BURGER as a "pot head" and "drug addict"; and g) otherwise demeaned BURGER and her reputation.

23. That the actions of Nichole Kroncke were due to SCOTT's disclosure to Nichole Kroncke that BURGER had reported Nichole Kroncke's alleged unlawful acts to SCOTT.

24. That in addition to reporting the alleged unlawful acts of Nichole Kroncke to SCOTT, BURGER also reported the work place harassment and MACON Employee Handbook policy violations to human resource personnel of MACON beginning in February of 2016.

25. As a result of the acts of Nichole Kroncke and SCOTT, BURGER sought assistance through the MACON Employee Assistance Program (“EAP”) beginning in February of 2016.

26. That as a consequence of the foregoing actions by Nichole Kroncke and SCOTT, BURGER had to undergo professional counseling and seek medical treatment.

27. That BURGER sought professional counseling and medical treatment as a consequence of the hostile, toxic and threatening actions of Nichole Kroncke and SCOTT and the inaction by MACON to insure a work environment free of harassment and retaliation.

28. That in addition to the foregoing, MACON also ignored violations of law committed by Kim Tarvin despite reports that Kim Tarvin was performing election work for SCOTT during periods when she was employed by MACON and being paid wages by MACON, which acts of Kim Tarvin were illegal and in violation of state and federal law prohibiting the use of government funds for promotion of candidates for election or reelection.

29. That BURGER married her husband in 2015.

30. That BURGER was not married to her husband in March of 2010 when she was hired by MACON.

31. That BURGER and her husband have two children together and BURGER was married to her current husband on May 20, 2017.

32. That in approximately 2009, BURGER’s husband was convicted of a felony drug offense in the State of Wyoming. That subsequent to his conviction, BURGER’s husband served out his imposed sentence.

33. Thereafter, BURGER's husband had no further incidents with any police authority of MACON and BURGER's husband was not under investigation, suspicion or arrest of any crime after 2009 to the date of the termination of BURGER's employment by MACON on or about May 20, 2017.

34. That on May 19, 2017, BURGER was called into a meeting with Decatur attorney, Edward Flynn, Nichole Kroncke and SCOTT and was advised that due to her association with her husband, a previously convicted criminal, her employment with MACON was terminated effective immediately.

35. That thereafter on May 20, 2017, MACON completed a "Macon County Employee Status Change Sheet" advising that BURGER's employment with MACON was terminated effective May 20, 2017.

36. That MACON's asserted reason for BURGER's termination of employment was pre-text for illegal harassment and retaliation. In particular, MACON's termination of BURGER's employment was in retaliation for BURGER's report of the illegal acts of Nichole Kroncke, SCOTT and other employees of MACON to the authorities of MACON, including but not limited to the Human Resources Department of MACON.

37. That as a result of the termination of BURGER's employment with MACON she has sustained damages, including but not limited to the loss of employee benefits and wages.

COUNT I

RETALIATORY DISCHARGE COMMON LAW ACTION

NOW COMES Plaintiff, BURGER, and for Count I of her Complaint alleged against Defendant, MACON, hereby states the following:

1. That BURGER repeats and realleges paragraphs 1-37 of the general allegations of her Complaint as paragraphs 1-37 of Count I of her Complaint.

38. That during the course of BURGER's employment with MACON, BURGER was exposed to a work place environment that was tainted by overtly hostile animus and hostilities which were known to MACON.

39. During BURGER's employment with MACON, the Chairman of the Board of MACON and members of the Board of Directors of MACON, knew or in the exercise of reasonable care should have known that senior management personnel of MACON, including but not limited to Nichole Kroncke were engaging in actions against employees of MACON, including but not limited to BURGER that were hostile, illegal, outrageous, malicious and detrimental to the well-being of employees of MACON including BURGER.

40. During BURGER's employment with MACON, the Chairman of the Board of MACON and members of the County Board of MACON, knew or in the exercise of reasonable care should have known that senior management personnel of MACON, including but not limited to Nichole Kroncke were engaging in actions against employees of MACON that were in violation of the provisions of the MACON Employee Handbook.

41. That despite MACON's knowledge of the illegal actions of its supervisory personnel and MACON's corporate counsel, Edward Flynn, MACON terminated

BURGER in violation of the provisions of its Employee Handbook, which termination of BURGER's employment was unlawful and illegal harassment and retaliatory.

42. As a result of the acts and omissions of MACON by and through its members of the County Board of MACON, asserted in this Count I, BURGER has sustained damages, including but not limited to the following:

- a. Compensation for back pay and other employer sponsored benefits owed to BURGER as a result of the foregoing acts and omissions of MACON;
- b. Compensation for front pay and other employer sponsored benefits lost by BURGER as a consequence of the foregoing acts and omissions of MACON;
- c. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein.

WHEREFORE, Plaintiff, AMANDA MAXWELL BURGER, hereby prays for the following relief against Defendant, County of MACON:

- A. Reinstatement to her position as Personnel Director, with all back pay, employee benefits, and pension benefits;
- B. If no comparable position is available, then an award for front pay and all prospective lost benefits; and
- C. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein; and
- D. Such other and further relief as this Court deems equitable and proper.

COUNT II

ILLINOIS WHISTLEBLOWER PROTECTION ACT RETALIATION

NOW COMES Plaintiff, BURGER, and for Count II of her Complaint alleged in the alternative to Count I of her Complaint alleged against Defendant, MACON, hereby states the following:

1. That BURGER repeats and realleges paragraphs 1-41 of the general allegations of her Complaint as paragraphs 1-41 of Count II of her Complaint brought in the alternative to Count 1 of her Complaint.

42. At all times relevant to the matters set forth in this Complaint there was in effect in the State of Illinois a certain statute known as the Illinois Whistleblower Protection Act (740 ILCS 174/1 et seq.)

43. At all times relevant to the matters set forth in this Complaint, the provisions of 740 ILCS 174/15 provided in pertinent part the following:

(a) An employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.

(b) An employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.

Section 20 of the Act also provided in pertinent part that:

Retaliation for certain refusals prohibited. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a State or federal law, rule, or regulation, including, but not limited to, violations of the Freedom of Information Act.

Section 20.1 further provided:

Any other act or omission not otherwise specifically set forth in this Act, whether within or without the workplace, also constitutes retaliation by an employer under this Act if the act or omission would be materially adverse to a reasonable employee and is because of the employee disclosing or attempting to disclose public corruption or wrongdoing.

44. BURGER refused to participate in or otherwise overlook the illicit and illegal actions of employees of MACON and D. JAY SCOTT.

45. As a consequence of BURGER's refusal to remain silent about or otherwise overlook the actions of senior management personnel of MACON, and due to BURGER's affirmative reporting of the foregoing illicit and illegal acts of senior management personnel of MACON, BURGER was retaliated against in the workplace and eventually BURGER's employment was terminated on or about May 20, 2017.

46. The actions of MACON violated the provisions of 740 ILCS 174/1, and more specifically, the applicable provisions of Section 15, 20 and 20.1, by retaliating against BURGER as a result of BURGER's disclosure to MACON that employees of MACON and SCOTT were believed to be violating the laws of the State of Illinois and other federal and local laws and statutes applicable to MACON.

47. As a result of the foregoing acts and omissions of MACON by and through its members of the County Board of MACON asserted in this Count II, BURGER has sustained damages, including but not limited to the following:

- a. Compensation for back pay and other employer sponsored benefits owed to BURGER as a result of the foregoing acts and omissions of MACON;
- b. Compensation for front pay and other employer sponsored benefits lost by BURGER as a consequence of the foregoing acts and omissions of MACON;
- c. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein.

WHEREFORE, Plaintiff, AMANDA MAXWELL BURGER, hereby prays for the following relief against Defendant, County of MACON:

- A. Reinstatement to her position as Personnel Director, with all back pay, employee benefits, and pension benefits;
- B. If no comparable position is available, then an award for front pay and all prospective lost benefits; and
- C. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein; and
- D. Such other and further relief as this Court deems equitable and proper.

COUNT III

42 U.S.C. SECTION 1983 VIOLATION OF RIGHT TO ASSOCIATION

NOW COMES Plaintiff, BURGER, and for Count III of her Complaint alleged against Defendant, MACON, hereby states the following:

1. That BURGER repeats and realleges paragraphs 1-41 of the general allegations of her Complaint as paragraphs 1-41 of Count III of her Complaint.

42. That at all times relevant to the matters set forth in this Complaint there was in full force and effect a certain statute found at 42 U.S.C.A. Section 1983 which provided in pertinent part the following:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.... 42 USCS § 1983 West (2018).

43. That as a consequence of the acts of MACON set forth herein, MACON violated BURGER's First Amendment right to associate with her husband, a previously convicted criminal who served his sentence and was entitled to associate with his wife at all times after BURGER's marriage to her husband in 2015 and to May 20, 2017.

44. That as a result of MACON's termination of BURGER's employment for the asserted reason that she was married to her husband, a person who was convicted of a drug offense in 2009, prior to BURGER's being hired by MACON and prior to her marriage to her husband in 2015 was a violation of BURGER's constitutionally protected rights afforded under the First Amendment.

45. That MACON allowed other employees of MACON similarly situated to

BURGER to remain employed with MACON and assigned to the State's Attorney's Office of Macon County despite the fact that said other similarly situated MACON employees were currently living with and associating with persons who had been arrested and convicted by MACON for criminal offenses occurring during the course of those similarly situated employees' employment with MACON.

46. That BURGER did not commit any violation of the provisions of the MACON Employee Handbook requiring disclosure "...within 24 hours if the employee or a member of the employee's family or household is a targeted subject of an investigation by law enforcement, is arrested, charged or convicted of any unlawful conduct, or is named as a defendant in a civil lawsuit."

47. That BURGER's husband was not under suspicion, arrest or charged or convicted of any unlawful conduct on or after her hiring by MACON on March 17, 2010 and continuing to May 20, 2017.

48. That MACON's actions in allegedly terminating BURGER for her association with her husband is in violation of the rights afforded BURGER under the First Amendment to the U.S. Constitution.

49. Additionally, the policy of MACON restricting BURGER's association with her husband and a member of her family who previously served his sentence is a further punishment for his crime beyond his satisfactory completion of the serving of his sentence imposed for his drug conviction.

50. That MACON was aware of multiple personnel policy violations by its senior management personnel, including but not limited to Nichole Kroncke, yet despite the knowledge of MACON officials, including but not limited to members of the County

Board and the Chairman of the Board, MACON allowed senior management personnel of MACON to deny liberties to employees of MACON, including BURGER, without any consequence and there was a pervasive policy endorsed by MACON to allow senior management personnel to use MACON funds and resources for the personal gain of senior management personnel and elected officials despite the fact that MACON was aware of the misuse of trust and resources which was contrary to public policy and contrary to the rights of BURGER.

51. As a result of the foregoing acts and omissions of MACON by and through its members of the County Board of MACON asserted in this Count III, BURGER has sustained damages, including but not limited to the following:

- a. Compensation for back pay and other employer sponsored benefits owed to BURGER as a result of the foregoing acts and omissions of MACON;
- b. Compensation for front pay and other employer sponsored benefits lost by BURGER as a consequence of the foregoing acts and omissions of MACON;
- c. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein.

WHEREFORE, Plaintiff, AMANDA MAXWELL BURGER, hereby prays for the following relief against Defendant, County of MACON:

- A. Reinstatement to her position as Personnel Director, with all back pay, employee benefits, and pension benefits;
- B. If no comparable position is available, then an award for front pay and all prospective lost benefits; and

C. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein; and

D. Such other and further relief as this Court deems equitable and proper.

COUNT IV

TORTIOUS INTERFERENCE WITH A CURRENT BUSINESS RELATIONSHIP

NOW COMES Plaintiff, BURGER, and for Count IV of her Complaint alleged against Defendant, SCOTT, hereby states the following:

1. That BURGER repeats and realleges paragraphs 1-41 of the general allegations of her Complaint as paragraphs 1-41 of Count IV of her Complaint.

42. That Defendant, SCOTT, knew that BURGER had enjoyed a longstanding employment relationship with MACON in September of 2015 and continuing to May 19, 2017.

43. That notwithstanding SCOTT's knowledge of BURGER's business relationship with MACON, SCOTT intentionally and with reckless disregard for BURGER's continued business relationship with MACON disclosed to Nichole Kroncke, one of BURGER's supervisors, that BURGER had disclosed to SCOTT that Nichole Kroncke had committed illegal, unethical, harassing and retaliatory actions that were contrary to federal and state laws applicable to Nichole Kroncke and MACON.

44. That SCOTT knew or should have known at the time of his disclosure to Nichole Kroncke on or about September 14, 2015 and continuing to May 20, 2017 that his disclosure to Nichole Kroncke and to corporate counsel of MACON, Edward Flynn, regarding the reports made by BURGER of the illegal and unethical conduct of

employees of MACON would lead to the termination of BURGER's business relationship with MACON.

45. That prior to September 14, 2015 and continuing to May 20, 2017, BURGER enjoyed a reputation as a valued employee of MACON and had an expectation of continued employment and a continued business relationship with MACON.

46. As a direct result of the actions of SCOTT, BURGER's business relationship with MACON and her employment with MACON were terminated on May 20, 2017.

a. All compensatory damages available under laws applicable to the matters set forth herein;

b. Such other relief as this Court deems equitable and proper.

PLAINTIFF REQUESTS TRIAL BY JURY

Respectfully Submitted,

AMANDA MAXWELL BURGER, Plaintiff

BY: s/Dawn L. Wall

Dawn L. Wall Bar Number 6196948

Attorney for Plaintiff

Costigan & Wollrab, P.C.

308 E. Washington St.

Bloomington, Illinois 61701

(309) 828-4310 phone

dwall@cwlawoffice.com

Monday, 21 May, 2018 02:20:43 PM

Clerk, U.S. District Court, ILCD

CIVIL COVER SHEET

JS 44 (Rev. 06/17)

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.)

I. (a) PLAINTIFFS

Amanda Maxwell Burger

(b) County of Residence of First Listed Plaintiff **Macon County**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Dawn L. Wall, 308 E. Washington St., Bloomington, IL 61701
(309) 828-4310

DEFENDANTS

County of Macon, a Unit of Local Government, and A. Jay Scott

County of Residence of First Listed Defendant **Macon County**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Unknown at this time.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 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)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

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 - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Section 1983, First and Fourteenth Amendments

Brief description of cause:

Action against Macon Cnty for deprivation of right to associate w/ family member resulting in termination of employ

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
250,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/21/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ Dawn L. Wall

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.