

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION**

NATHAN TORIAN,

Plaintiff,

v.

CITY OF PADUCAH, KENTUCKY,

and

BOARD OF COMMISSIONERS OF THE
CITY OF PADUCAH, KENTUCKY,

and

GEORGE P. BRAY, SANDRA WILSON,
RAYNARLDO HENDERSON, ROBERT BUZ
SMITH, and DUJUAN THOMAS, in their
individual capacities, and in their official
capacities as members of the BOARD OF
COMMISSIONERS OF THE
CITY OF PADUCAH, KENTUCKY

and

DARON E. JORDAN , in his individual capacity,
and in his official capacity as the City Manager
for the CITY OF PADUCAH, KENTUCKY

and

STEPHEN D. KYLE, in his individual capacity,
And in his official capacity as the Fire Chief of the
CITY OF PADUCAH, KENTUCKY

Defendants.

Case No. 5:25-cv-187-BJB

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Nathan Torian, by and through his undersigned counsel, brings this Complaint

against Defendants, the City of Paducah, KY, the Board of Commissioners of the City of Paducah, KY, the members of the Board of Commissioners of the City of Paducah, KY, Daron E. Jordan, and Stephen D. Kyle, and states as follows:

Introduction, Jurisdiction and Venue

1. This is a civil action brought under 42 U.S.C. § 1983, 29 U.S.C. §§ 215(a) and 216(b), KY. REV. STAT. §§ 336.130, 337.990(9) and 446.070, and an appeal brought under KY. REV. STAT. § 95.460, for declaratory and injunctive relief, back pay, damages, and attorneys’ fees and costs to redress Defendants’ unlawful deprivation of Plaintiffs’ rights and privileges secured by the First and Fourteenth Amendments of the U.S. Constitution, the Fair Labor Standards Act (“FLSA”), and Kentucky law.

2. This Court has original jurisdiction over Plaintiff’s claims brought under 42 U.S.C. § 1983 and 29 U.S.C. §§ 215(a) and 216(b) pursuant to 28 U.S.C. §§ 1331 and 1343 and 29 U.S.C. § 216(b). This Court has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367. This Court has authority to award the requested monetary damages pursuant to 28 U.S.C. § 1343, 29 U.S.C. § 216(b), and KY. REV. STAT. §§ 336.130, 337.990(9) and 446.070, to award the requested costs and attorneys’ fees under 42 U.S.C. § 1988 and 29 U.S.C. § 216(b), and to issue a declaratory judgment and other just and appropriate relief pursuant to 28 U.S.C. §§ 2201 and 2202, 29 U.S.C. § 216(b), and KY. REV. STAT. § 446.070.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because Plaintiff and all Defendants are located in this district, and the events complained of herein took place in this district.

Parties

4. Plaintiff Nathan Torian is an individual who resides in Paducah, KY. Torian is a

“citizen of the United States” within the meaning of 42 U.S.C. § 1983, a “person” within the meaning of 42 U.S.C. § 1983 and 29 U.S.C. § 203(a), an “employee” within the meaning of 29 U.S.C. § 203(e) and KY. REV. STAT. § 337.010(1)(e), a “member” of the “fire department” of Defendant City of Paducah, KY within the meaning of KY. REV. STAT. § 95.010(2)(c) and (e), and a “firefighter” within the meaning of KY. REV. STAT. § 95.010(2)(h).

5. Defendant City of Paducah, KY (“City”) is a municipality incorporated and established under the laws of Kentucky and located within McCracken County, KY. The City is a “person” within the meaning of 42 U.S.C. § 1983 and 29 U.S.C. § 203(a), an “employer” within the meaning of 29 U.S.C. § 203(d) and KY. REV. STAT. §§ 336.130, 337.010(d), and a city of the “home rule” class within the meaning of KY. REV. STAT. §§ 81.005 and 95.450. The City operates under a “city manager plan” of government within the meaning of KY. REV. STAT. § 83A.150.

6. Defendant Board of Commissioners of the City of Paducah, KY (“Board”) is the duly elected board of commissioners of the City within the meaning of KY. REV. STAT. §§ 83A.010 and 83A.150(3). The Board is comprised of Commissioners Dajuan Thomas; Robert Buz Smith; Raynarldo Henderson; Sandra Wilson, who serves as Mayor Pro Tem of the City; and George P. Bray, who serves as Mayor of the City and Chair of the Board, all of whom are “officers” of the City within the meaning of KY. REV. STAT. § 83A.010(10) and “persons” within the meaning of 42 U.S.C. § 1983 and 29 U.S.C. § 203(a). The Board is a “person” within the meaning of 42 U.S.C. § 1983 and 29 U.S.C. § 203(a), and the legislative body of the City within the meaning of KY. REV. STAT. §§ 95.450 and 95.460. Pursuant to KY. REV. STAT. § 83A.150 and Section 2-123 of the City’s Code of Ordinances, all legislative and executive authority of the City is vested in the Board; and the Board has the authority to establish offices for the City and the responsibilities and duties of those offices; enact codes, rules, and regulations for the City; provide and appropriate

funds for the operation of City government and the orderly management of City resources; and appoint a City Manager for the City. As such, the Board has the authority to, and in fact does, enact ordinances and make policies for the City, including policies related to the employment of City employees.

7. Defendants Dajuan Thomas, Robert Buz Smith, Raynarldo Henderson, Sandra Wilson, and George P. Bray are the duly elected members of Defendant Board of Commissioners of the City of Paducah, KY. They are all “officers” of the City within the meaning of KY. REV. STAT. § 83A.010(10) and “persons” within the meaning of 42 U.S.C. § 1983 and 29 U.S.C. § 203(a). Individually, and as members of the Board, Dajuan Thomas, Robert Buz Smith, Raynarldo Henderson, Sandra Wilson, and George P. Bray have the authority to, and in fact do, enact ordinances and make policies for the City, including policies related to the employment of City employees. Specifically, pursuant to KY. REV. STAT. § 83A.150 and Section 2-123 of the City’s Code of Ordinances, all legislative and executive authority of the City is vested in these members of the Board; and they have the authority to establish offices for the City and the responsibilities and duties of those offices; enact codes, rules, and regulations for the City; provide and appropriate funds for the operation of City government and the orderly management of City resources; and appoint a City Manager for the City.

8. Defendant Daron E. Jordan is the City Manager of the City within the meaning of KY. REV. STAT. § 83A.150, an “officer” of the City within the meaning of KY. REV. STAT. § 83A.010(10), and a “person” within the meaning of 42 U.S.C. § 1983 and 29 U.S.C. § 203(a). Pursuant to KY. REV. STAT. § 83A.150 and Section 2-93 of the City’s Code of Ordinances, City Manager Jordan is the chief administrative officer of the City; enforces City ordinances, codes, rules, and regulations; prepares and administers the City’s budget; promulgates procedures and

policies on behalf of the City to ensure orderly administration of the functions of City government; establishes employment policies for the City by recommending and effectuating the appointment, tenure, or removal of City employees; and supervising City departments and the conduct of City employees. As such, City Manager Jordan has the authority to, and in fact does, make policies for the City, including policies related to the employment of City employees. Moreover, City Manager Jordan acted directly or indirectly in the interest of the City in relation to Torian's employment and exercised significant control over the terms and conditions of Torian's employment, including disciplinary authority, supervision, and participation in termination decisions. As such, City Manager Jordan is an "employer" within the meaning of 29 U.S.C. § 203(d).

9. Defendant Stephen D. Kyle is the Chief of the Paducah Fire Department, a department of the City that provides fire protection, rescue, and emergency medical services to the City and surrounding areas. Pursuant to Sections 2-301 and 2-301.5 of the City's Code of Ordinances, Chief Kyle is the director and active executive head of the Paducah Fire Department, all other employees of the Paducah Fire Department are subject to Chief Kyle's supervision and control, and Chief Kyle administers and implements duties associated with the Paducah Fire Department's divisions of administration, suppression, fire prevention, and training. Chief Kyle oversees the Paducah Fire Department's operations and staff, and creates, implements, and enforces policies for the Paducah Fire Department's operations, including employment policies, standards, and work rules applicable to the City's fire fighters. As such, Chief Kyle has the authority to, and in fact does, make policies on behalf of the City as they relate to the Paducah Fire Department, including policies related to the employment of City employees working for the Paducah Fire Department. Moreover, Chief Kyle acted directly or indirectly in the interest of the City in relation to Torian's employment and exercised significant control over the terms and

conditions of Torian's employment, including disciplinary authority, supervision, and participation in termination decisions. As such, Chief Kyle is an "employer" within the meaning of 29 U.S.C. § 203(d). Chief Kyle is also an "officer" of the City within the meaning of KY. REV. STAT. § 83A.010(10) and a "person" within the meaning of 42 U.S.C. § 1983 and 29 U.S.C. § 203(a).

Factual Background

10. Torian was employed by the City as a captain with the Paducah Fire Department. He began working for the Paducah Fire Department in 2004.

11. Torian is the President of the Paducah Professional Fire Fighters, International Association of Fire Fighters Local 168 ("Union" or "Local 168"), a labor organization that represents fire fighters, lieutenants, and captains employed by the City and working for the Paducah Fire Department.

12. Local 168 and the City are parties to a Collective Bargaining Agreement ("CBA") establishing the terms and conditions of employment for employees of the City represented by Local 168. Article 3 of the CBA provides that the City may only discipline or discharge covered employees "for just cause." Article 6, Section 1 of the CBA provides that that the City will not "restrain or coerce any employee because of any authorized employee activity in an official capacity on behalf of the Union." Article 7 of the CBA provides that "disciplinary matters will be governed by the provisions of KRS 95." *See* KY. REV. STAT. § 95.010, *et seq.* Article 26 of the CBA provides a mandatory grievance procedure to resolve any dispute between the City and the Union and/or a covered employee concerning the interpretation, application, or compliance with the terms of the CBA. A copy of the CBA is attached hereto as Exhibit 1.

13. As President of Local 168, Torian, among other things, negotiates and administers

the CBA on behalf of the Union; handles grievances and addresses workplace disputes with Fire Department management on behalf of Local 168's members; represents the interests of Local 168 and its members in meetings with City officials; pursues claims, complaints, charges, and other actions on behalf of the Union and its members; and advocates for the interests of the Union and its members.

14. To that end, Torian, in his individual capacity and "as representative of a class of similarly situated persons comprising the unincorporated labor organization, The International Association of Fire Fighters, Local 168," brought a lawsuit against the City, the Board, individual Commissioners on the Board, the City's Mayor, and Chief Kyle on July 2, 2021 in the Kentucky Circuit Court for McCracken County. Torian's lawsuit sought to enjoin a City ordinance enacted by the Board which required all members of the Paducah Fire Department to reside in McCracken County or within a forty-five-minute drive of Paducah Fire Department's "Station 4." *See* PADUCAH CODE OF ORDINANCES § 2-304. In the action, Torian claimed that the ordinance, in addition to being in conflict with and preempted by KY. REV. STAT. § 331A.027, would exacerbate the serious staffing shortfalls at the City's Fire Department and make the Department less effective at responding to emergency calls, thus endangering public safety. The lawsuit was captioned as *Torian v. City of Paducah, et al.*, 21-CI-00409, and is currently pending on appeal before the Kentucky Supreme Court as case number 2023-SC-0395-D. A copy of the lawsuit is attached hereto as Exhibit 2.

15. In August 2022, the Paducah Fire Department unilaterally changed its sick leave policy without providing the Union with notice or an opportunity to bargain over the change. The policy affected staffing at the Department, and the Department enforced the policy retroactively, resulting in disciplinary actions issued against multiple Local 168 members. On August 25, 2022,

Torian filed a grievance under the CBA's grievance provisions on behalf of the Union and its aggrieved members alleging that the disciplinary actions administered under the new sick leave policy were issued in violation of the CBA. *See* Ex. 1 at 20-21. A copy of the August 25, 2022 grievance Torian filed on behalf of the Union is attached hereto is Exhibit 3.

16. In September 2022, Chief Kyle called Torian, berated him for filing the August 25, 2022 grievance, said that Torian had "fucked up" the relationship between the City and the Union in filing the grievance, and said that there was "no turning back" for Torian because he filed the grievance.

17. On February 27, 2024, Torian submitted a written complaint to the City's Human Resources Department alleging that Chief Kyle, amongst other members of the Fire Department's administration, were subjecting him to a hostile working environment and would not consider him for promotion because he pursued grievances over the new sick leave policy on behalf of the Union. A copy of Torian's February 27, 2024, complaint is attached hereto as Exhibit 4.

18. On September 15, 2023, Torian applied for an Emergency Official Grant awarded by Marathon Pipe Line, LLC to emergency officials operating near Marathon's pipelines. Torian's application was submitted on behalf of Local 168 and requested a grant of \$5,000.00 to purchase swift water rescue gear for the Paducah Fire Department to improve the Department's rescue and public safety functions. A copy of Torian's Emergency Official Grant application is attached hereto as Exhibit 5.

19. On March 11, 2024, Torian was notified that his application for the grant was approved. Torian then informed his supervisors, including Chief Kyle, about the grant.

20. On April 30, 2024, City Manager Jordan emailed Torian and implied that Torian committed fraud in applying for the grant. Specifically, City Manager Jordan alleged that it

appeared that Torian obtained that grant by misrepresenting that Local 168 was authorized to apply for the grant on behalf of the City. City Manager Jordan also informed Torian that the City would be investigating the matter. A copy of City Manager Jordan's April 30, 2024 email is attached hereto as Exhibit 6.

21. Torian replied to City Manager Jordan's email later that day and said that he would need to know "now" whether the City intended to pursue disciplinary charges against him for applying for the grant. A copy of Torian's April 30, 2024 email is attached hereto as Exhibit 7.

22. On May 1, 2024, City Manager Jordan sent another email to Torian advising him that the City would not accept the grant because he determined that Torian made a "material misrepresentation" in the grant application, again implying that Torian engaged in fraud. Specifically, City Manager Jordan claimed that the language used in the application could be construed as conflating the City with Local 168. City Manager Jordan also alleged that Torian's tone in his email requesting City Manager Jordan to advise him "now" if the City intended to pursue disciplinary actions against him was insubordinate and a violation of the City's "organizational values." As a result, City Manager Jordan explained that he would be meeting with Chief Kyle and the City's Human Resources Department about addressing Torian's alleged insubordination. The City then initiated an investigation into Torian to determine if any discipline should be issued as a result of his alleged insubordination. A copy of City Manager Jordan's May 1, 2024 email is attached hereto as Exhibit 8.

23. Later that day, Chief Kyle and Stephanie Wilcox, the City's Human Resources Director, interviewed Torian as part of the City's investigation into Torian's alleged misconduct.

24. On May 16, 2024, Chief Kyle suspended Torian for three days without pay for alleged insubordination. Specifically, Chief Kyle alleged that Torian was insubordinate in his

email to City Manager Jordan by asking to know “now” if he was being disciplined, and because he supposedly slammed the door upon leaving his investigatory interview when he was only asked to close the door. A copy of the May 16, 2024 “Notice of Counseling or Disciplinary Action” form memorializing Torian’s suspension is attached hereto as Exhibit 9.

25. On November 25, 2024, while off duty, Torian sent an email to Defendant Mayor Bray raising concerns about certain disparities in the qualifications required for promotion in the Fire Department’s fire suppression and fire prevention divisions. Specifically, Torian noted that individuals in the fire prevention division are not required to undergo the same training, skills testing, or written examinations for promotion that are required for individuals working in the fire suppression division, which may result in unqualified individuals getting promoted to important public safety positions within the fire prevention division. In addition, Torian noted that Fire Department employees working in the fire suppression division have been demoted or suffered reductions in pay and hours for not holding certain certifications that are not required for employees in the fire prevention division, resulting in inequities and harm to Department morale. A copy of Torian’s November 25, 2024, email to Mayor Bray is attached hereto as Exhibit 10.

26. On December 2, 2024, while off duty, Torian sent a letter to the City’s Mayor and Board raising concerns about an individual that was appointed to Battalion Chief at the Paducah Fire Department without the necessary certifications, qualifications, or experience. Specifically, Torian explained that the appointment was made in violation of the City’s employment policies and created “significant safety concerns” related to commanding officers’ ability to take effective command at emergency scenes. He also said that if the City’s legal counsel was involved in the appointment, it was not a “judicious use of taxpayer funds,” since the appointment is a straightforward matter that should not require paying for attorneys. Torian requested that the

Board review the prerequisites required to hold such ranking positions at the Paducah Fire Department so as to ensure public safety, and review the City's use of its attorneys to ensure that taxpayer money is being spent wisely. Torian signed the letter as President of Local 168. A copy of Torian's December 2, 2024 letter is attached hereto as Exhibit 11.

27. After sending the December 2, 2024 letter, Torian, while off duty, invited Defendant Commissioner Henderson and David Guess, a Commissioner on the Board at the time, to meet with members of Local 168 to discuss the Union's safety concerns.

28. On or about December 3, 2024, Commissioner Henderson and Guess met with Torian and a group of approximately thirty members of Local 168 that Torian had organized to attend the meeting. During the meeting, one Union member in attendance asked Commissioner Henderson if Torian would face retaliation for contacting elected officials about safety concerns. Commissioner Henderson responded that, according to City Manager Jordan, Torian could indeed face discipline for contacting elected officials about safety concerns.

29. On January 23, 2025, Chief Kyle disciplined Torian because he "reached out to elected officials" about his concerns related to public safety and the use of taxpayer dollars with his December 2, 2024 letter to the Board. The form memorializing the disciplinary action also warns that future disciplinary action may result in Torian's termination. A copy of the January 23, 2025 discipline is attached hereto as Exhibit 12.

30. The January 23, 2025 discipline was issued pursuant to express written municipal policies of Defendants that were appended to the discipline. *See* Ex. 12. Specifically, and as explicitly stated in the January 23, 2025 discipline form, Torian was disciplined for contacting his elected officials about concerns related to public safety and the use of taxpayer dollars in violation of the City's Policy "HR 43.3" related to raising employee concerns. *See id.*

31. On February 3, 2025, Torian filed a grievance under the CBA's grievance provisions alleging that the January 23, 2025 disciplinary action was issued in violation of Article 6, Section 1 of the CBA, the First Amendment of the U.S. Constitution, and City policy. The grievance also reiterated Torian's concerns, as well as those of the Union and its members, about the recent appointment to Battalion Chief related to public safety and the violations of City Policy in the appointment. A copy of the February 3, 2025 grievance is attached hereto as Exhibit 13.

32. On March 7, 2025, while off duty, Torian filed a grievance on behalf of the Union and its members alleging that the City unilaterally implemented a new policy, entitled SOG 106, which unreasonably restricted Local 168 members from trading shifts with one another in violation of the CBA, and which affects Department staffing. A copy of the March 7, 2025 grievance is attached hereto as Exhibit 14. On April 25, 2025, Torian, while off duty, also filed an unfair labor practice complaint with the Kentucky Education and Labor Department's State Labor Board on behalf of the Union and its members against the Chief Kyle and City Manager Jordan over SOG 106. Torian resubmitted the unfair labor practice complaint with the Kentucky Education and Labor Department's State Labor Board on behalf of the Union and its members on August 27, 2025. The unfair labor practice complaint alleged that the policy affecting staffing was implemented unilaterally and in violation of KEN. REV. STAT. §§ 345.050(1)(a) and (e). A copy of Torian's March 7, 2025 unfair labor practice complaint is attached hereto as Exhibit 15.

33. In March 2025, Torian, while off duty, wrote a letter to Chief Kyle regarding "questions and safety concerns regarding policy for SOG 221," a Paducah Fire Department policy pertaining to the operation of the Department's fire apparatuses. Specifically, Torian requested clarification on which Paducah Fire Department employees were authorized to operate an apparatus, requested confirmation that only certified individuals would operate the apparatus,

raised questions and concerns about staffing at the Department, inquired about the Department's policies on overtime, and stressed the importance of maintaining a clear chain of command at the Department. The signature line of Torian's letter notes that it was sent on behalf of the Union in his capacity as President of Local 168. A copy of Torian's March 2025 letter is attached hereto as Exhibit 16.

34. Chief Kyle responded to Torian via letter on March 14, 2025, and offered answers to Torian's questions. A copy of Chief Kyle's March 14, 2025 letter is attached as Exhibit 17.

35. Torian sent a reply to Chief Kyle's March 14, 2025 letter while off duty on March 19, 2025. Torian thanked Chief Kyle for responding to Local 168's safety concerns but noted that Chief Kyle's responses did not fully answer the Union's questions about safety. Torian, therefore, asked Chief Kyle four follow-up questions related to the City's safety policies, staffing and qualifications required for fire fighting activities, and certifications related to the safe operation of the City's fire apparatuses. Torian also wrote that safety is a significant concern for the City's fire fighters, that it was important that the Department remain prepared for unforeseen emergencies, that transparency and proactivity remain imperative to protect the community's safety as well as that of the City's fire fighters, and that filling fire fighting positions with unqualified personnel is unsafe. Torian ended his letter by noting that the Union seeks clear and direct answers to its safety concerns so as to ensure compliance with safety regulations and to provide the highest level of service in the fire fighters' public safety functions. A copy of Torian's March 19, 2025, letter is attached hereto as Exhibit 18.

36. On March 20, 2025, Chief Kyle replied to Torian's follow up questions via letter. Chief Kyle wrote that Torian's letter asking safety questions as Local 168's President was "borderline insubordinate" and warned that future similar language would be "considered

insubordinate with appropriate discipline.” A copy of Chief Kyle’s March 20, 2025, letter is attached hereto as Exhibit 19.

37. On June 12, 2025, Torian filed a grievance under the CBA’s grievance provisions alleging that the City refused to permit him and other Local 168 representatives to attend an investigatory interview of a Local 168 member as the member’s Union representative upon the member’s request for Union representation. Torian also alleged that the City’s representatives that conducted the interview acted hostile towards him when he requested to attend the investigatory interview as the Local 168 member’s Union representative. A copy of the June 12, 2025, grievance is attached hereto as Exhibit 20.

38. On June 17, 2025, Torian submitted an “Employee Concern Form” to the City’s Human Resources Department and an Assistant Chief of the Fire Department complaining that the City refused to permit him and other Local 168 representatives to attend an investigatory interview of a Local 168 member as the member’s Union representative upon the member’s request for Union representation. Torian also alleged that the City’s representatives that conducted the interview acted hostile towards him when he requested to attend the investigatory interview as the Local 168 member’s Union representative. A copy of Torian’s June 17, 2025, “Employee Concern Form” is attached hereto as Exhibit 21.

39. On July 15, 2025, Human Resources Director Wilcox provided a written response to Torian’s June 17, 2025 Employee Concern Form on behalf of the City. Human Resources Director Wilcox dismissed Torian’s concerns and indicated that in seeking to attend the investigatory interview as the Local 168’s member’s Union representative, Torian was insubordinate. A copy of Human Resources Director Wilcox’s July 15, 2025, response to Torian’s Employee Concern Form is attached hereto as Exhibit 22.

40. On May 15, 2025, Torian filed a complaint with the Kentucky Education and Labor Cabinet's Wage and Hour Division. Torian's complaint alleged that the City failed to pay him overtime from August 2022 through August 2023 in violation of the FLSA and the Kentucky Wage and Hour Act ("KWAHA"). *See* 29 U.S.C. § 207; KY. REV. STAT. § 337.285. A copy of Torian's May 15, 2025, Kentucky Labor Cabinet complaint is attached hereto as Exhibit 23.

41. On July 9, 2025, Kentucky Labor Cabinet Investigator William Hampton conducted interviews with certain City officials, including Chief Kyle and Human Resources Director Wilcox, to investigate Torian's complaint.

42. The very next day, on July 10, 2025, Torian was called into a meeting at City Hall to be interviewed by Chief Kyle, Human Resources Director Wilcox, and City Manager Jordan about an incident that allegedly occurred approximately six weeks prior on June 1, 2025. Specifically, Chief Kyle questioned Torian about whether he mistakenly referred to a recently promoted Battalion Chief by her former title, purportedly in violation of City policy. Human Resources Director Wilcox and City Manager Jordan were also present at the interview.

43. On July 15, 2025, Torian took leave from work pursuant to the provisions of the federal Family and Medical Leave Act ("FMLA"). 29 U.S.C. §§ 2601 *et seq.*

44. On August 21, 2025, Torian returned to work from his leave, and upon arriving, Chief Kyle presented Torian with a "Notice of Counseling or Disciplinary Action" form alleging that Torian had violated certain work rules in June. Specifically, the notice alleges that while responding to an emergency call on June 1, 2025, Torian incorrectly referred to a recently promoted Battalion Chief by her former rank. The notice also provides that because Torian allegedly referred to the recently promoted Battalion Chief by her former rank, Chief Kyle recommended that Torian's employment with the City be terminated. A copy of the August 21,

2025 Notice of Counseling or Disciplinary Action form recommending Torian's termination is attached hereto as Exhibit 24.

45. During the same meeting, Chief Kyle also presented Torian with another Notice of Counseling or Disciplinary Action form stating that Torian would be placed on unpaid suspension pending a hearing on Torian's alleged misconduct before the Board of Commissioners. *See* KY. REV. STAT. § 95.450. A copy of the Notice of Counseling or Disciplinary Action advising of his unpaid suspension is attached hereto as Exhibit 25.

46. After the August 21, 2025, meeting, at Defendants' direction, police escorted Torian out of the building.

47. Torian contested the disciplinary action set forth in the August 21, 2025 Notice of Counseling or Disciplinary Action form and exercised his right to a hearing before the Board on the alleged misconduct pursuant to KEN. REV. STAT. § 95.450.

48. On August 22, 2025, Chief Kyle sent Torian a letter stating that Torian was prohibited from Fire Department premises without express authorization from the City's Human Resources Director. A copy of Chief Kyle's August 22, 2025 letter is attached hereto as Exhibit 26.

49. On September 11, 2025, City Manager Jordan sent Torian a document titled "Statement of Amended Disciplinary Charges and Notification of Hearing Date" making additional post hoc allegations that Torian engaged in misconduct several months prior, retroactively alleging conduct which purportedly justified his termination from the City. Specifically, in addition to the event on June 1, 2025, in which Torian allegedly referred to a Battalion Chief by the wrong title, City Manager Jordan alleges that Torian:

- a. Attempted to attend an investigatory interview of a Local 168 member as the

member's Union representative on June 11, 2025;

- b. Asked to attend an August 7, 2025 Coast Guard's Area Maritime Security Committee meeting; and
- c. Called the Kentucky Supreme Court chambers on August 14, 2025 to inquire about the status of his lawsuit over the City's ordinance on appeal, *see* Ex. 2.

The statement charges that by engaging in this conduct, Torian violated the City's Code of Ordinances in nine different respects. The statement also provides that City Manager Jordan was recommending that the Board terminate Torian's employment as a result of this alleged misconduct, and that a hearing on these allegations was initially scheduled for September 19, 2025 before the Board. A copy of City Manager Jordan's Statement of Amended Disciplinary Charges and Notification of Hearing Date document is attached hereto as Exhibit 27.

50. Torian's hearing before the Board was continued until October 3, 2025.

51. On October 3, 2025, the hearing on Torian's alleged misconduct was held before the Board. At the close of the hearing, the Board unanimously adopted City Manager Jordan's and Chief Kyle's recommendation to terminate Torian. Specifically, the Board determined that Torian was guilty of six of the nine charged violations of the City's Code of Ordinances, and decided that Torian's employment with the City would be terminated as a result. A copy of the Board's Determination of Charges and Final Order document memorializing the Board's decisions is attached hereto as Exhibit 28.

52. The Board's findings that Torian was guilty of the six charged violations of the City's Code of Ordinances and that Torian should be dismissed from the City's employment are erroneous and not supported by the evidence presented at the October 3, 2025 hearing.

53. Defendants' stated reasons for terminating Torian are also false and pretextual.

Defendants terminated Torian because of his protected speech about matters of public concern, including public safety issues and concerns about the use of public funds; his associational activities undertaken on behalf of Local 168 that are directly related to those matters of public concern; his petitions to the government to redress grievances related to those matters of public concern, including the lawsuit he filed with the Kentucky Circuit Court for McCracken County, his petitions to the Board and Mayor, the administrative charges and complaints he filed; and his complaint filed with the Kentucky Education and Labor Department's Wages and Hours Division. As cited in the Board's Determination of Charges and Final Order document, Torian was discharged for engaging in this protected conduct pursuant to express written municipal policies and customs and practices of Defendants. *See* Ex. 28.

54. Chief Kyle and City Manager Jordan had final policymaking authority of the City to discipline and effectively recommend Torian's termination from the City because he allegedly engaged in such conduct.

55. The Board, and its Commissioner members, had final policymaking authority of the City in the decision to terminate Torian for engaging in such conduct. In addition, or in the alternative, the Board, and its Commissioner members, decided to officially adopt Chief Kyle's and City Manager Jordan's recommendations and decisions to terminate Torian.

56. As a result of his discipline and termination from the City, Torian has suffered lost wages and benefits, mental and emotional harm, damage to his personal and professional reputations, and other injuries.

57. Prior to commencing this lawsuit, Plaintiff has made multiple attempts to contact Defendants to resolve this dispute short of litigation. To date, Defendants have failed or otherwise refused to make Torian whole for the unlawful discipline and discharge. There is little prospect

that, lacking judicial compulsion, Defendants will abide by their obligations under the U.S. Constitution, the FLSA, and Kentucky law or redress the harm to Torian caused by the unlawful discipline and discharge.

58. Plaintiffs demand a jury trial in this matter.

COUNT I
42 U.S.C. § 1983 – VIOLATION OF PLAINTIFF’S FIRST AND FOURTEENTH
AMENDMENT RIGHT TO FREE SPEECH
(Torian v. All Defendants)

59. Plaintiff realleges and incorporates Paragraphs 1 through 58.

60. The right of Torian to speak freely about matters of public concern is protected by the First Amendment and Fourteenth Amendment of the U.S. Constitution. The public has a vital interest in free and open discussion on issues of public importance.

61. It is a violation of the First Amendment and Fourteenth Amendment of the U.S. Constitution for public employers, including the City, to discriminate against, discipline, or discharge its employees in retaliation for engaging in speech about matters of public concern as private citizens.

62. Torian, acting as a private citizen, engaged in free speech about matters of public concern, including, but not limited to, filing a lawsuit alleging that a City ordinance would exacerbate the serious staffing shortfalls at the City’s Fire Department and make the Department less effective at responding to emergency calls, filing a grievance over changes to the Department’s sick leave policies affecting staffing at the Department, applying for a grant to improve the City’s emergency rescue response functions, contacting the City’s Mayor and the elected Board of Commissioners about public safety concerns and concerns about the use of taxpayer funds, organizing a meeting between members of the Board and members of Local 168 about safety concerns, writing the Chief of the Paducah Fire Department on March 2025 about public safety

concerns, and filing a grievance and unfair labor practice complaint over changes to the Department's time trade policies affecting staffing at the Department, all of which is protected by the First and Fourteenth Amendments of the U.S. Constitution.

63. Defendants, acting individually and/or jointly, retaliated and discriminated against, harassed, disciplined, threatened, and ultimately discharged Torian because Torian engaged in free speech about matters of public concern including, but not limited to, filing a lawsuit alleging that a City ordinance would exacerbate the serious staffing shortfalls at the City's Fire Department and make the Department less effective at responding to emergency calls, filing a grievance over changes to the Department's sick leave policies affecting staffing at the Department, applying for a grant to improve the City's emergency rescue response functions, contacting the City's Mayor and the elected Board of Commissioners about public safety concerns and concerns about the use of taxpayer funds, organizing a meeting in behalf of the Union between members of the Board and members of Local 168 about public safety concerns, writing the Chief of the Paducah Fire Department on March 2025 about public safety concerns, and filing a grievance and unfair labor practice complaint over changes to the Department's time trade policies affecting staffing at the Department. In doing so, Defendants retaliated and discriminated against, harassed, disciplined, threatened, and ultimately discharged Torian in retaliation for engaging in protected speech activity.

64. Defendants' conduct unlawfully chills free and open discussion on important issues of public safety and the effective and efficient operation of the government operations, including the effective and efficient operation of the City's Fire Department in its public safety functions and the use of taxpayer funds, and intimidates, coerces, and restrains other public employees and persons from similarly engaging in protected speech.

65. The retaliatory discipline, harassment, threats, and discharge of Torian, was issued and initiated pursuant to express and official policies of the City. Further, Defendants Kyle, Jordan, and the Board, who issued and initiated the discrimination, harassment, discipline, threats, and discharge of Torian on behalf of the City, have final policymaking authority for the City, including the authority to determine official policy on matters of employee discipline, the administration of the Fire Department and its personnel on behalf of the City. In addition, the Board, which has final policymaking authority on behalf of the City, adopted Jodan and Kyle's violative discrimination, harassment, discipline, threats, and recommended discharge of Torian for engaging in protected speech.

66. Such conduct by Defendants was done in a knowing, willful, wanton, reckless, and bad faith manner, which violates clearly established constitutional provisions and rights which a reasonable person would have known.

67. As a direct, foreseeable, and proximate result of Defendants' unlawful conduct, Torian has suffered, and continues to suffer, economic injury, mental and emotional distress, humiliation, anxiety, embarrassment, and discomfort, and other injuries and irreparable harm.

68. Under 42 U.S.C. § 1983, "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." Thus, Defendants City, the Board, the Board members, Kyle, and/or Jordan are fully liable to Torian for his injuries resulting from Defendants retaliating against him and terminating him in violation of the First and Fourteenth Amendments.

69. Defendants are also liable for Torian's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988(b).

COUNT II
42 U.S.C. § 1983 – VIOLATION OF PLAINTIFF'S FIRST AND FOURTEENTH
AMENDMENT RIGHT TO FREE ASSOCIATION
(Torian v. All Defendants)

70. Plaintiff realleges and incorporates Paragraphs 1 through 58.

71. The right of Torian to freely associate with a labor organization such as Local 168 is protected by the First and Fourteenth Amendments of the U.S. Constitution. Specifically, the First and Fourteenth Amendments protect the right of a public employee to engage in union activity, hold office in the Union, file and present employee grievances, lawsuits and other claims on behalf of the Union and its members, exercise rights secured under a collective bargaining agreement negotiated by the Union, and advocate on behalf of fellow employees. The public has a vital interest in such free association.

72. It is a violation of the First and Fourteenth Amendments of the U.S. Constitution for public employers, including the City, to discriminate against, discipline, or discharge its employees for exercising such rights to free association, including the right to freely associate with a labor union and engage in union activity.

73. At all relevant times, Torian was a member of, actively participated in, and served as the elected President Local 168. As a member, supporter, and official of Local 168, and as a private citizen, Plaintiff represented the Union and its members in collective bargaining, attended and participated in Union meetings, represented Union members in investigatory interviews, filed a lawsuit alleging that a City ordinance would exacerbate the serious staffing shortfalls at the City's Fire Department and make the Department less effective at responding to emergency calls, filed a grievance over changes to the Department's sick leave policies affecting staffing at the

Department, applied for a grant to improve the City's emergency rescue response functions, contacted the City's Mayor and the elected Board of Commissioners about public safety concerns and concerns about the use of taxpayer funds, organized a meeting between members of the Board and members of Local 168 about public safety concerns, wrote the Chief of the Paducah Fire Department on March 2025 about public safety concerns, and filed a grievance and unfair labor practice complaint over changes to the Department's time trade policies affecting staffing at the Department, all of which is protected by the First and Fourteenth Amendments of the U.S. Constitution.

74. At all relevant times, Defendants were aware of Plaintiff's association with Local 168 and Plaintiff's union activities.

75. Defendants, acting individually and/or jointly, retaliated and discriminated against, harassed, disciplined, threatened, and ultimately discharged Torian because of his association with Local 168 and because he engaged in such union activities that are protected by the First and Fourteenth Amendments' right to free association. In so doing, Defendants unlawfully retaliated against Torian because he exercised his rights to free association under the First and Fourteenth Amendments to the U.S. Constitution.

76. Defendants' conduct unlawfully chills the free association of Plaintiff with Local 168 and participation in protected union activities and intimidates, coerces and restrains other public employees and persons from similarly engaging in protected associational activities.

77. The retaliation, discrimination, harassment, discipline, threats, and discharge of Torian were issued and initiated pursuant to express and/or official policies of the City. Further, Defendants Kyle, Jordan, the Board, and the Board members, who issued and initiated the retaliation, discrimination, harassment, discipline, threats, and discharge against Torian on behalf

of the City, have final policymaking authority for the City, including the authority to determine official policy on matters of employee discipline, and the administration of the Fire Department and its personnel. In addition, the Board, which has final policymaking authority on behalf of the City, adopted Jordan's and Kyle's violative discrimination, harassment, discipline, threats, and recommended discharge of Torian for engaging in protected associational activities.

78. Such conduct by Defendants was done in a knowing, willful, wanton, reckless, and bad faith manner, which violates clearly established constitutional provisions and rights which a reasonable person would have known.

79. As a direct, foreseeable, and proximate result of Defendants' unlawful conduct, Torian has suffered, and continues to suffer, economic injury, mental and emotional distress, humiliation, anxiety, embarrassment, and discomfort, and other injuries and irreparable harm.

80. Under 42 U.S.C. § 1983, "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." Thus, Defendants City, the Board, the Board members, Kyle, and/or Jordan are fully liable to Torian for his injuries resulting from Defendants retaliating against him and terminating him in violation of the First and Fourteenth Amendments.

81. Defendants are also liable for Torian's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988(b).

COUNT III

**42 U.S.C. § 1983 – VIOLATION OF PLAINTIFF’S FIRST AND FOURTEENTH
AMENDMENT RIGHT TO PETITION THE GOVERNMENT**

(Torian v. All Defendants)

82. Plaintiff realleges and incorporates Paragraphs 1 through 58.

83. The right of the Plaintiff to petition his government for the redress of grievances is protected by the First and Fourteenth Amendments to the U.S. Constitution. The public has a vital interest in providing citizens with the opportunity to freely advocate for and seek change without fear of punishment or reprisal.

84. It is a violation of the First and Fourteenth Amendments for public employers, including the City, to discriminate against, discipline, or discharge its employees in retaliation for petitioning the government to redress grievances.

85. Torian petitioned the government to redress his grievances, as well as those of Local 168 and its members, by, among other things, filing a lawsuit alleging that a City ordinance would exacerbate the serious staffing shortfalls at the City’s Fire Department and make the Department less effective at responding to emergency calls, filing a grievance over changes to the Department’s sick leave policies affecting staffing at the Department, contacting the City’s Mayor and the elected Board of Commissioners about public safety concerns and concerns about the use of taxpayer funds, organizing a meeting between members of the Board and members of Local 168 for the Board to hear and respond to the Union members’ concerns about public safety, writing the Chief of the Paducah Fire Department on March 2025 about public safety concerns, filing a complaint with the Kentucky Education and Labor Cabinet’s Wage and Hour Division on May 15, 2025 alleging that the City failed to pay him overtime from August 2022 through August 2023 in violation of the FLSA and KWHHA, and filing a grievance and unfair labor practice complaint over changes to the Department’s time trade policies affecting staffing at the Department, all of which

is protected by the First and Fourteenth Amendments of the U.S. Constitution.

86. Defendants, acting individually and/or jointly, retaliated and discriminated against, harassed, disciplined, threatened, and ultimately discharged Torian because of his activities in petitioning the government to redress his grievances, as well as those of Local 168 and its members. In doing so, Defendants retaliated and discriminated against, harassed, disciplined, threatened, and discharged Torian in retaliation for engaging in protected petitioning activity in violation of the First and Fourteenth Amendments to the U.S. Constitution.

87. Defendants' conduct unlawfully chills the right to freely petition the government to redress grievances and intimidates, coerces, and restrains other public employees and persons from similarly exercising their rights under the First and Fourteenth Amendments to petition the government to redress grievances.

88. The retaliation, discrimination, harassment, discipline, threats, and discharge of Torian were issued and initiated pursuant to express and/or official policies of the City. Further, Defendants Kyle, Jordan, and the Board, who issued and initiated the retaliation, discrimination, harassment, discipline, threats, and discharge against Torian on behalf of the City, have final policymaking authority for the City, including the authority to determine official policy on matters of employee discipline, and the administration of the Fire Department and its personnel. In addition, the Board, who has final policymaking authority on behalf of the City, adopted Jordan's and Kyle's violative discrimination, harassment, discipline, threats, and recommended discharge of Torian for exercising his right to petition the government to redress his grievances as well as those of Local 168 and its members.

89. Such conduct by Defendants was done in a knowing, willful, wanton, reckless, and bad faith manner, which violates clearly established constitutional provisions and rights which a

reasonable person would have known.

90. As a direct, foreseeable, and proximate result of Defendants' unlawful conduct, Torian has suffered, and continues to suffer, economic injury, mental and emotional distress, humiliation, anxiety, embarrassment, and discomfort, and other injuries and irreparable harm.

91. Under 42 U.S.C. § 1983, "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." Thus, Defendants City, Board, Board members, Jordan, and Kyle are fully liable to Torian for his injuries resulting from Defendants retaliating against him and terminating him in violation of the First and Fourteenth Amendments.

92. Defendants are also liable for Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988(b).

COUNT IV

29 U.S.C. § 216(b) – RETALIATION UNDER THE FAIR LABOR STANDARDS ACT (Torian v. Defendants City, Jordan, and Kyle)

93. Plaintiff realleges and incorporates Paragraphs 1 through 58.

94. Section 15(a)(3) of the FLSA provides that "it shall be unlawful for any person. . . to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to" the FLSA. 29 U.S.C. § 215(a)(3).

95. Torian filed a complaint or caused to be instituted a proceeding under or related to the FLSA by filing a complaint with the Kentucky Education and Labor Cabinet's Wage and Hour

Division on May 15, 2025, alleging that the City failed to pay him overtime from August 2022 through August 2023 in violation of the FLSA. *See* Ex. 23. In so doing, Torian engaged in protected activity under the FLSA.

96. Defendants were aware that Torian engaged in protected activity under the FLSA and had filed a complaint with the Kentucky Education and Labor Cabinet's Wage and Hour Division on May 15, 2025, alleging that the City failed to pay him overtime from August 2022 through August 2023 in violation of the FLSA, because Kentucky Labor Cabinet Investigator William Hampton conducted interviews with certain City officials, including Defendant Kyle, to investigate Torian's complaint prior to Torian's termination.

97. The City, Jordan, and Kyle willfully discriminated against and discharged Torian for false and pretextual reasons, because Torian engaged in protected activity under the FLSA and filed a complaint with the Kentucky Education and Labor Cabinet's Wage and Hour Division. In so doing, Defendants willfully violated Section 15(a)(3) of the FLSA. *See* 29 U.S.C. § 215(a)(3).

98. Such conduct by Defendants was done in a knowing, willful, wanton, reckless, and bad faith manner.

99. Section 16(b) of the FLSA provides that any employer, including the City, who violates Section 15(a)(3) of the FLSA, "shall be liable for such legal or equitable relief as may be appropriate to effectuate the purposes of Section 15(a)(3). . . , including without limitation employment, reinstatement, promotion, and the payment of wages lost and an additional equal amount as liquidated damages." 29 U.S.C. § 216(b). Thus, the City is liable to Torian for reinstatement to his position with the City, the wages lost as a result of Torian's termination, and an additional amount in liquidated damages equal to the wages lost as a result of Torian's termination.

100. At all relevant times, Defendants Kyle and Jordan acted directly or indirectly in the interest of the City in relation to Torian’s employment. Both exercised significant control over the terms and conditions of Torian’s employment, including disciplinary authority, supervision, and participation in termination decisions. Accordingly, Defendants Kyle and Jordan qualify as “employers” under the FLSA and may be held individually liable for retaliation

101. Section 16(b) of the FLSA also provides that “[t]he court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney’s fee to be paid by the defendant, and costs of the action.” 29. U.S.C. § 216(b). Thus, the City is also liable for Plaintiff’s reasonable attorneys’ fees and costs.

COUNT V
KEN. REV. STAT. § 446.070 – RETALIATION UNDER THE KENTUCKY WAGE AND
HOURLY ACT
 (Torian v. Defendant City)

102. Plaintiff realleges and incorporates Paragraphs 1 through 57.

103. The KWA provides that “any employer who discharges or in any other manner discriminates against any employee because the employee has made any complaint to his or her employer, to the commissioner [of the Kentucky Education and Labor Cabinet’s Department of Workplace Standards], or to the commissioner’s authorized representative that he or she has not been paid wages in accordance with KRS 337.275 and 337.285 or regulations issued thereunder, or because the employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to KRS 337.385 . . . , shall be deemed in violation of” the KWA. KEN. REV. STAT. § 337.990(9).

104. Torian made a complaint to the commissioner, or to the commissioner’s authorized representative, that he has not been paid wages in accordance with KRS 337.275 and 337.285 or regulations issued thereunder, or caused to be instituted a proceeding under or related to KRS

337.385, by filing a complaint with the Kentucky Education and Labor Cabinet's Wage and Hour Division on May 15, 2025, alleging that the City failed to pay him overtime from August 2022 through August 2023 in violation of the KWHa. *See* Ex. 23. In so doing, Torian engaged in protected activity under the KWHa.

105. Defendants were aware that Torian engaged in protected activity under the KWHa and filed a complaint with the Kentucky Education and Labor Cabinet's Wage and Hour Division on May 15, 2025, alleging that the City failed to pay him overtime from August 2022 through August 2023 in violation of the KWHa, because Kentucky Labor Cabinet Investigator William Hampton conducted interviews with certain City officials, including Defendant Kyle, to investigate Torian's complaint prior to Torian's termination.

106. The City willfully discriminated against and discharged Torian for false and pretextual reasons, because Torian engaged in protected activity under the KWHa and filed a complaint with the Kentucky Education and Labor Cabinet's Wage and Hour Division. In so doing, Defendants willfully violated the KWHa. *See* KEN. REV. STAT. § 337.990(9).

107. Defendants terminated Torian in violation of the KWHa with malice and in order to oppress Torian for exercising his rights under the KWHa. Such conduct by Defendants was done in a knowing, willful, wanton, reckless, and bad faith manner.

108. KEN. REV. STAT. § 446.070 provides that "[a] person injured by the violation of any statute may recover from the offender such damages as he sustained by reason of the violation," including a violation of the KWHa's anti-retaliation provisions. KEN. REV. STAT. § 446.070. Thus, the City is liable for the unpaid wages and other damages that Torian sustained by reason of the City's violation of the KWHa.

COUNT VI

**KEN. REV. STAT. § 95.460 – APPEAL OF DISCIPLINE OF A MEMBER OF A FIRE
DEPARTMENT OF A CITY OF THE HOME RULE CLASS**

(Torian v. Defendant City)

109. Plaintiff realleges and incorporates Paragraphs 1 through 57.

110. KEN. REV. STAT. § 95.460 provides that “[a]ny member of the police or fire department found guilty by the legislative body of any charge, as provided by KRS 95.450, may appeal to the Circuit Court of the county in which the city or urban-county government is located.” KEN. REV. STAT. § 95.460.

111. On October 3, 2025, the Board, the legislative body of the City, found Torian, a member of the City’s Fire Department, guilty of six charges of violations of the City Code of Ordinances and dismissed Plaintiff from his employment with the City as a result, as provided by KEN. REV. STAT. § 95.450. *See* Ex. 28.

112. The Board’s findings that Torian was guilty of the six charged violations of the City’s Code of Ordinances, and that Torian should be dismissed from the City’s employment, are arbitrary, erroneous and not supported by the evidence presented to the Board.

113. Torian brings this appeal of the Board’s findings pursuant to KEN. REV. STAT. § 95.460.

COUNT VII

KEN. REV. STAT. § 336.130 – WRONGFUL TERMINATION
(Torian v. Defendant City)

114. Plaintiff realleges and incorporates Paragraphs 1 through 57.

115. Ken. Rev. Stat. § 336.130 provides that “[e]mployees may, free from restraint or coercion by the employers or their agents, associate collectively for self-organization and designate collectively representatives of their own choosing to negotiate the terms and conditions of their employment to effectively promote their own rights and general welfare.” As such, KRS 336.130

evidences a fundamental and well-defined public policy against termination of an employee for the exercise of his or her right to participate in union activity, and, therefore, provides a public policy exception to the at-will rule.

116. Defendants terminated Plaintiff's employment as a result of his union association and advocacy.

117. Defendants' actions violate the public policy exception to the at-will doctrine, and therefore, Plaintiff was terminated from his employment in violation of state law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Declare that Defendants violated Plaintiff's Constitutional rights by unlawfully depriving Plaintiff of his rights and privileges secured by the First and Fourteenth Amendments to the U.S. Constitution;
- B. Declare that Defendants unlawfully retaliated against Plaintiff in violation of the FLSA and the KWHHA;
- C. Declare that the Board's decision in finding that Plaintiff was guilty of six charges of violations of the City Code of Ordinances and dismissing Plaintiff from his employment with the City was arbitrary;
- D. Declare that Torian was wrongfully terminated in violation public policy under Kentucky law;
- E. Order Defendants to rescind the retaliatory, discriminatory, unlawful and otherwise improvident discipline issued to Plaintiff;
- F. Order a complete and accurate accounting of all the compensation and relief to which Plaintiff is entitled;

- G. Award Plaintiff monetary damages in the form of back pay compensation, lost benefits, unpaid entitlements, plus pre-judgment and post-judgement interest;
- H. Award Plaintiff compensatory damages for the violations of Plaintiff's rights and the harm to his reputation, humiliation, emotional and mental anguish, and for other financial and consequential harm and injuries he has suffered as a result of Defendants' violative conduct;
- I. Award liquidated damages to Plaintiff in an amount equal to Plaintiff's unpaid wages;
- J. Award Plaintiff punitive damages to redress the knowing, willful, wanton, reckless, and bad faith nature of Defendants' violations of Plaintiff's Constitutional and statutory rights;
- K. Order Defendants to make an offer of reinstatement to Plaintiff, retaining his rank and seniority, or in the alternative, award front pay;
- L. Award reasonable attorneys' fees and costs to Plaintiff; and
- M. Grant all other relief that the Court deems just and appropriate.

JURY DEMAND: PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL COUNTS SO TRIABLE.

Respectfully submitted,

/s/ Matthew D. Watts

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Dated: November 3, 2025