

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
DIVISION _____

MARCUS PAXTON

PLAINTIFF

No. 60CV-20-_____

**KEITH HUMPHREY and
CITY OF LITTLE ROCK, ARKANSAS**

DEFENDANTS

COMPLAINT

COMES NOW Plaintiffs Marcus Paxton, (“Plaintiff”), by and through his attorneys Degen Clow and Chris Burks of WH Law, PLLC, and for his Complaint against Defendants Keith Humphrey and City of Little Rock, Arkansas, he does hereby state and allege as follows:

I. Preliminary Statements

1. Chief Humphrey retaliated against LRPD Captain Marcus Paxton for the testimony of officers under Paxton’s command in the Charles Starks case by transferring Paxton. Humphrey thus denied him the pay and training he would have otherwise accumulated.

2. On September 4, 2019, the retaliation started as soon as officers from Captain Marcus Paxton’s Training Division testified about the circumstances surrounding Bradley Blackshire’s death.

3. On September 9, 2019, Humphrey emailed Paxton to criticize him and his Training Division officers who had told the truth in the Starks case testimony. He also threatened personnel changes.

4. Chief Humphrey then decided to remove Paxton from the training division and place him over civilians, but Paxton wasn’t told of this decision until October 1, 2019.

5. Due to the transfer from the Training Division, Paxton was denied the Use of Force Expert and other types of training and opportunities afforded others.

6. Rather than let Paxton's transfer be enough — Humphrey has progressively gotten worse.

7. Humphrey continues to treat Paxton worse than others, including ignoring his communications and demeaning him in front of others.

II. Parties, Jurisdiction and Venue

8. Plaintiff was at all times relevant to this complaint a citizen and resident of Arkansas and work for the Little Rock Police Department in Pulaski County, Arkansas.

9. Even though Defendant Keith Humphrey swore his address was 3308 Quidnet Rd., Norman OK 73071 in the judgment entered against him on September 06, 2019, he has been the Police Chief of the City of Little Rock Police Department since April 15, 2019.

10. The City of Little Rock is a municipality of the State of Arkansas. It hired, conducted a search with a job application requiring honest statements, and employs Keith Humphrey.

11. This suit alleges common law causes of action against the Defendants which occurred in the State of Arkansas, and this suit seeks damages as a relief.

12. The subject matter jurisdiction and venue are proper in Pulaski County Circuit Court.

13. The Defendants are subject to this Court's personal jurisdiction as well.

III. Facts Which Entitle the Plaintiffs to Relief

14. Plaintiff works for Defendants.

15. Plaintiff Marcus Paxton is a Captain in the Little Rock Police Department. He was the Captain of the Training Division, prior to Humphrey's transfer of him to the Communications Division.

16. Marcus Paxton consistently received excellent job performance evaluations for his work throughout his advancement in the department.

17. On September 4, 2019, Sgt. Tory Trammell, a Training Division sergeant under the command of Captain Paxton, testified that Charles Starks was denied rights under the Arkansas Civil Rights Act and that Starks did not violate policies of the Little Rock Police Department during Blackshire's shooting.

18. Sgt. Trammell also testified extensively about the Training Division methods that applied to Stark's conduct, methods that Captain Paxton supervised and was involved in.

19. The Starks hearing testimony contradicted Chief Humphrey and cast his leadership in a bad light.

20. On September 9, 2019, Humphrey emailed Paxton to criticize him and his Training Division officers who had told the truth in their Starks case testimony.

21. Paxton was never given an opportunity to fully respond.

22. Instead, Trammel responded to Humphrey by reporting what she thought was the appropriate and lawful policies and testimony, and how retaliation was inappropriate and should not happen. In this meeting with Humphrey in his office, Humphrey advised her that he would not move her. Instead he moved Paxton.

23. Chief Humphrey decided to remove Paxton from the training division and place him over civilians, but Paxton wasn't told of this decision until October 1, 2019.

24. Due to the transfer from the Training Division, Paxton was denied training and other opportunities afforded others.

25. Rather than let Paxton's transfer be enough — Humphrey has progressively gotten worse. Humphrey continues to treat Paxton worse than others, including ignoring his communications and demeaning him in front of others.

26. Other officers have asked Paxton: "Why does Humphrey hate you so much?"

27. The transfer away from Training severely impacted Paxton's ability to earn a new job or promotion.

28. Paxton has also not been able to attend the type of training needed for his career, and instead has had to go to training on Geographic Information Systems (GIS) and other communications functions that are more appropriate for civilian employment.

29. In sum, Humphrey's retaliatory transfer was a direct and proximate result of the testimony given by Trammel, which included statements about the Training Division under Paxton, at the Starks hearing.

30. Overall, the retaliation, loss of training and disparate treatment resulted in the loss of income for Marcus Paxton.

IV. Theories of Recovery

31. Retaliation in violation of the Arkansas Whistle-Blower Act, A.C.A. § 21-1-603.
In Arkansas, "a public employer shall not take adverse action against a public employee because the public employee communicates in good faith to an appropriate authority...a violation or suspected violation of a law, rule, or regulation adopted under the law of this state or a political subdivision of the state." *A.C.A. § 21-1-603.*

32. Marcus Paxton and Trammel responded to Humphrey, the appropriate authority, in good faith that Trammel testified lawfully and that to retaliate would be wrong, which amounts to reporting a “violation of [the] law” under A.C.A. § 21-1-603.

33. As such, Defendants could not “take adverse action” against Paxton and Trammel for lawfully reporting illegal activity.

34. Marcus Paxton was damaged in the loss of earning capacity stemming from Humphrey’s transfer of him.

35. Further, Marcus Paxton has suffered irreparable harm to his reputation for Defendants’ actions against him; he has suffered loss of income in the past and will continue to suffer loss of earning capacity in the future; and he has endured emotional pain and turmoil in the past and will continue to endure the same in the future. He is entitled to both compensatory and punitive damages from the Defendants as a result of the conduct alleged herein.

36. Discrimination and retaliation in violation of Arkansas Civil Rights Act of 1993, A.C.A. § 16-123-108. In Arkansas, it is “unlawful to coerce, intimidate, threaten, or interfere with any individual” or “discriminate” against them because “such individual in good faith made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing” relating to the Arkansas Civil Rights Act.

37. Marcus Paxton’s Training Division and officers in it, assisted in and gave good faith testimony that Charles Starks was denied rights under the Arkansas Civil Rights Act and that the Starks did not violate Little Rock Police Department policy, but Humphrey then transferred him.

38. Marcus Paxton was damaged in the loss of earning capacity stemming from Humphrey's transfer of him and denial of appropriate training.

39. Further, Marcus Paxton has suffered irreparable harm to his reputation for Defendants' actions against him; he has suffered loss of income in the past and will continue to suffer loss of earning capacity in the future; and he has endured emotional pain and turmoil in the past and will continue to endure the same in the future. He is entitled to both compensatory and punitive damages from the Defendants as a result of the conduct alleged herein.

40. Failure to train and supervise in violation of public policy. There is a well-established public policy in this State favoring the reporting of illegal activity, specifically due process violations. When Defendants refused training to Plaintiff and transferred Marcus Paxton because of Trammel testifying truthfully about Humphrey's due process violations, it acted in violation of public policy.

41. As a direct and proximate result of the actions of the Defendants and its agents as set forth above herein, Plaintiff Marcus Paxton has suffered irreparable harm to his reputation; he has suffered loss of income in the past and will continue to suffer loss of earning capacity in the future; and he has endured emotional pain and turmoil in the past and will continue to endure the same in the future. He is entitled to both compensatory and punitive damages from the Defendants as a result of the conduct alleged herein.

42. All acts of the Defendants' agents and employees and officers against Plaintiff were done within the scope and course of their employment with the Defendants and, thus, Defendants are liable for such acts under the theory of *respondeat superior*.

WHEREFORE, the Plaintiff, Marcus Paxton, prays for judgment against the Defendants in the form of both compensatory and punitive damages in an unliquidated sum and for all other just and proper relief to which they may be entitled, including, but not limited to, attorney's fees and costs.

Respectfully submitted,

**MARCUS PAXTON
PLAINTIFF**

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