

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

CURTIS LARRICK,

Civil Division

Plaintiff,

No.

v.

THE SHERIFF OF BEAVER COUNTY,
PENNSYLVANIA; BEAVER COUNTY,
PENNSYLVANIA and ANTHONY GUY,
Sheriff of Beaver County in his individual capacity,

Defendants.

JURY TRIAL DEMANDED

CIVIL COMPLAINT

Plaintiff, Curtis Larrick, by undersigned counsel, files this Civil Complaint, and in support alleges the following:

I. Jurisdiction

1. The Jurisdiction of this Court is invoked pursuant to Section 1 of the Civil Rights Act of 1871, 42 U.S.C. §1983, and 28 U.S.C §§1331 and 1343(a)(3) and (a)(4).

II. The Parties

2. Plaintiff, Curtis Larrick, is an adult individual who resides at 812 17th Street, Ambridge, Pennsylvania 15003.

3. Defendant, The Sheriff of Beaver County (hereafter “Sheriff”) is a political subdivision of the Commonwealth of Pennsylvania with his principal place of business located at 810 Third Street, Beaver, Pennsylvania 15009.

4. Defendant, Beaver County, Pennsylvania is a political subdivision of the Commonwealth of Pennsylvania with its principal place of business located at 810 Third Street,

Beaver, Pennsylvania 15009.

5. Defendant Anthony Guy is the current Sheriff of Beaver County. He is a state actor with final policy making authority over Beaver County Sheriff employees pursuant to Pennsylvania law. At all times relevant he operated pursuant to authority granted or delegated to him under Pennsylvania law, and therefore acted under color of state law. He is sued individually for damages. His business address is 810 Third Street, Beaver, Pennsylvania 15009.

III. Factual Background

6. Larrick has worked in law enforcement for nearly 30 years.

7. Larrick worked for Defendants Sheriff and Beaver County from June 1992 until January 4, 2016 as a Deputy Sheriff.

8. Larrick began reporting to Defendant Guy when Guy assumed office on January 4, 2016.

9. Defendant Guy was the Republican candidate for the position of Beaver County Sheriff and was elected in November 2015 following a highly contested campaign between him and the Democratic candidate Wayne Kress.

10. The chain of command at the Beaver County Sheriff Department was as follows: Sheriff; Chief Deputy; Captain; Lieutenant, Sergeant and then Deputy. Larrick was a Deputy.

11. Larrick was not a policy-making official, nor did he hold a confidential position.

12. Larrick's job duties included: serving papers; providing security at the courthouse; transportation of prisoners; and service of legal process and papers. Larrick had no supervisory authority.

13. Throughout his career with Defendants, Larrick performed his duties in a manner

fully acceptable to his employer. Indeed, in the more than 20 years of highly successful service Larrick was disciplined one time, several years ago for failing to wear a seat belt.

14. But Larrick was known to Defendant Guy as member of the Democratic party, and a strong outspoken political supporter of Wayne Kress, Defendant Guy's Democratic opponent for Sheriff in the just-completed 2015 general election.

15. Indeed, on Election Day, 2015, Defendant Guy confronted Larrick because Larrick was wearing a Kress for Sheriff T-Shirt.

16. Guy told Larrick he was not happy Larrick was supporting Kress for election as Sheriff, and wished Larrick had come and talked with him before choosing to support Kress' candidacy

17. Defendants fired Larrick on January 4, 2016, immediately upon Guy assuming office.

18. In a letter of that day, Guy offered no reason for firing Larrick, other than noting that Guy had the authority to do so.

19. Defendants fired Larrick in derogation of Section 18.1 of Collective Bargaining Agreement between the Beaver County Deputy Sheriffs' Association and Beaver County, which specifically provides as follows:

The Association and all employees affected shall receive Thirty (30) days calendar notice of any layoff. If such notice is not provided the employee shall receive Four (4) weeks pay in lieu of that notice.

20. Defendants did not provide 30 days notice to Larrick before firing him on January 4, 2016.

21. Defendants have not provided Larrick with four weeks pay in lieu of the notice

required by Section 18.1.

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in his individual capacity.

22. Plaintiff incorporates by reference the allegations in paragraphs 1 through 21 as if fully restated herein.

23. Defendants fired Larrick because of his political affiliation in violation of his right to belief and association under the First and Fourteenth Amendment of the U.S. Constitution and 42 U.S.C. §1983.

24. At all times relevant hereto, Defendants acted under color of state law, inasmuch as their acting as set forth at length above, constitutes misuse of power possessed solely by virtue of state law and made possible only because Defendant Guy is clothed with the authority of state law.

25. Larrick's position of Deputy Sheriff does not require a political affiliation similar to the political affiliation of Defendant Guy.

26. Defendants' actions toward Larrick were intentional and were undertaken with reckless disregard of his federally protected right to not have his employment conditioned on a pledge of political allegiance to a party or candidate he may not prefer to support.

27. The conduct by Defendant Larrick as set forth above, was a conscious choice on the part of Defendants to disregard Plaintiff's constitutional rights, and deprived Larrick under color of state law, of rights of belief and association under the First and Fourteenth Amendments of the U.S. Constitution in violation of 42 U.S.C. §1983.

28. As a direct and proximate result of Defendants' intentional and reckless actions, Larrick has sustained the injuries and damages including lost wages, employment and emotional

distress, humiliation and inconvenience.

WHEREFORE, Plaintiff demands judgment against Defendants Beaver County, the Sheriff and Guy individually, and damages as follows:

- a. That Defendant Beaver County and the Beaver County Sheriff be permanently enjoined from discriminating against Plaintiff for engaging in First Amendment activities;
- b. That Defendants Beaver County and Beaver County Sheriff be permanently enjoined from retaliating against Plaintiff because he engaged in First Amendment protected activities;
- c. That Defendant Beaver County and the Beaver County Sheriff be ordered to reinstate Plaintiff to the position he occupied at the time he was terminated;
- d. That Defendants be ordered to pay Plaintiff all of his lost pay and benefits;
- e. That Plaintiff be awarded against Defendants compensatory damages to compensate for pain, suffering, emotional distress and humiliation Plaintiff has suffered as a result of Defendants conduct;
- f. That Plaintiff be awarded punitive damages against Defendant Guy in his individual capacity in an amount sufficient to punish that Defendant and to deter similar conduct;
- g. That Plaintiff be awarded against Defendants the costs and expenses of this litigation, and, pursuant to 42 U.S.C. §1988, a reasonable attorney's fee; and
- h. That Plaintiff be awarded such further relief as this Court deems to be just and proper.

Respectfully submitted,

Samuel J. Cordes & Associates

/s/ Samuel J. Cordes
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