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RANDALL KLING

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DOCKET NO: 1002141

SEC:

19th JUDICIAL DISTRICT OF EAST BATON ROUGE

SEC. 23

VERSUS

LOUISIANA DEPARTMENT OF REVENUE

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

PETITION FOR DAMAGES

The petition of Randall Kling, a resident of the full age of majority of the Parish of Ascension, State of Louisiana, respectfully represents as follows:

1.

Named defendants herein is the Louisiana Department of Revenue, an agency of the State of Louisiana which is domiciled in the Parish of East Baton Rouge, State of Louisiana.

2.

At all times relevant hereto, the plaintiff was the Captain in charge of Licensing and Certification of the Louisiana Office of Alcohol and Tobacco Control (hereinafter referred to as "ATC"), an office of the Louisiana Department of Revenue.

3.

The plaintiff was a good and faithful employee and served the interests of his employer to the best of his ability.

4.

On March 10, 2011 the plaintiff and other employees of the defendant submitted to Cynthia Bridges, Secretary of the Louisiana Department of Revenue, a complaint regarding what they reasonably believed to be offensive behavior on the part of ATC Commissioner Troy Herbert. In this complaint the plaintiff and other employees addressed matters of public concern including threats, intimidation, harassment, inefficiency, favoritism and morale problems in the ATC office.

5.

On March 16, 2011, March 22, 2011, and March 25, 2011 the plaintiff submitted to Dee Everett, Director of Human Resource for the Louisiana Department of Revenue, additional

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complaints concerning what he reasonably believed to be offensive behavior on the part of ATC Commissioner Troy Herbert. In these complaints, the plaintiff addressed matters of public concern including threats, hostile work environment, systematic intimidation, discrimination, harassment, inefficiency, favoritism, humiliation and morale problems in the ATC office.

6.

On March 30, 2011, within a few days after the plaintiff submitted the aforementioned complaints, the defendant terminated the plaintiff's employment in retaliation for the plaintiff's authoring, signing and presenting the above-described complaints against Commissioner Troy Herbert.

7.

The defendant's termination of the plaintiff was in retaliation for the exercise of the plaintiff's expressional rights under Article I, Section 7 of the Louisiana State Constitution.

8.

The plaintiff alleges that there is a causal relationship between the March 10, 16, 22, and 25, 2011 complaints, due to the temporal proximity of the plaintiff's complaints and his March 30, 2011 termination.

9.

The defendant's discharge of the plaintiff has caused the plaintiff to suffer substantial loss of wages, fringe benefits and retirement contributions, loss of enjoyment of his personal, professional and family life, damage to his personal and professional reputations, and mental anguish and distress.

10.

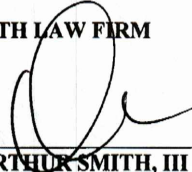
The plaintiff respectfully requests a trial by jury.

WHEREFORE, plaintiff, Randall Kling, respectfully prays, after due proceedings had, for judgment in his favor and against the defendant, the Louisiana Department of Revenue, reinstating him to his position as Captain in charge of Licensing and Certification with the Louisiana Office of Alcohol and Tobacco Control together with an award of lost wages, lost fringe benefits and retirement contributions, for such sums as are reasonable in the premises as

damages, together with legal interest from the date of judicial demand and all costs of this proceeding.

RESPECTFULLY SUBMITTED:

SMITH LAW FIRM



J. ARTHUR SMITH, III (Bar No. 07730)
SETH M. DORNIER (Bar No. 32804)
830 North Street
Baton Rouge, Louisiana 70802
Telephone: (225) 383-7716
Facsimile: (225) 383-7773
E-Mail: jasmith@jaruthursmith.com

INFORMATION FOR SERVICE:

Please serve the defendant through:

Cynthia Bridges
Secretary
Louisiana Department of Revenue
617 North Third Street
Baton Rouge, LA 70802
Phone: 225.219.2700
Main: 225.219.2448

James D. "Buddy" Caldwell
Office of the Attorney General
State of Louisiana
1885 North Third Street
6th Floor
Baton Rouge, LA 70802
Phone: 225.326.6000

Bud Thompson
Director
Office of Risk Management
State of Louisiana
1201 N. Third Street Suite 7-210
Baton Rouge, LA 70802
Phone: 225.344.5000

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10th JUDICIAL DISTRICT
EAST BATON ROUGE PARISH
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Charita J. Jones
CLERK OF COURT
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