

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**LAURI DILLMAN**

§

**VS.**

§

**CIVIL ACTION**

§

**NO. \_\_\_\_\_**

§

**CITY OF WHITEHOUSE, TEXAS  
AND KEVIN HUCKABEE**

§

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§

**PLAINTIFF'S ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Lauri Dillman, Plaintiff in the above-entitled and numbered cause and files this, her Original Complaint against the Defendants named above and would respectfully show the Court as follows:

1. **PARTIES.** Plaintiff, Lauri Dillman, is a resident of Whitehouse, Texas. The City of Whitehouse, Texas is a municipality located in Smith County, Texas and may be served with process by delivering a copy of this Complaint to the Mayor of Whitehouse, Texas, Danny Hogden at 101 Bascom Road, Whitehouse, Texas 75791. Defendant, Kevin Huckabee is the Assistant City Manager for the City of Whitehouse and may be served with process at 101 Bascom Road, Whitehouse, Texas 75791. At all times material to this Complaint, Defendants acted under color of the statutes, customs, ordinances and usage of the City of Whitehouse, Texas and the State of Texas. Plaintiff sues Mr. Huckabee in his individual capacity.
2. **JURISDICTION.** Jurisdiction of the Court is invoked pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 1343.

3. VENUE. All of the acts complained of took place in the Eastern District of Texas and pursuant to 29 U.S.C. §1393(b), suit may be brought in any division in the district. Therefore, venue is proper.

4. CIVIL RIGHTS VIOLATION OF 42 U.S.C. §1983. Huckabee is a policy maker for the City of Whitehouse, Texas acting in the course and scope of his duties and responsibilities as the Assistant City Manager for the City of Whitehouse, Texas. He has, by his actions, violated Plaintiff's clearly established constitutional right of free speech under the First Amendment to the United States Constitution. Specifically, Ms. Dillman was terminated in retaliation for comments made by her on her Facebook page on February 14, 2012. The comments made by Ms. Dillman retrenched a news story on the website of the Tyler Morning Telegraph regarding an investigation into wrongdoing by a Smith County Constable's office. Immediately following the posting of the reference to the Tyler Morning Telegraph article, Ms. Dillman was terminated by Huckabee.

At the time of the termination, the law in the Fifth Circuit was clearly established that certain limitations exist on the ability of a government employer to discharge employees based upon the employees' exercise of their right to free expression. The First Amendment precludes a discharge based upon an employee's exercise of her right to free expression if two criteria are satisfied. First, the expression must relate to a matter of public concern. Second, the employee's interest in "commenting upon matters of public concern" must outweigh the public employer's interest "in promoting the efficiency of the public services it performs through its employees." The Fifth Circuit has enumerated the elements of a First Amendment retaliation claim in the public employment context as follows: (1) the plaintiff suffered an adverse employment decision, (2) the plaintiff's speech involved a matter of public concern, (3) the plaintiff's interest in speaking outweighed the governmental defendant's interest in promoting efficiency, and (4) the protected speech motivated the

defendant's conduct. Plaintiff would show that her speech was a matter of public concern and, as such, is protected speech. Defendants violated Plaintiff's clearly established constitutional rights by virtue of her termination.

7. All of the actions taken by the Defendants have been taken under color of state law and they are "state actors" for purposes of imposing liability under 42 U.S.C. §1983. Furthermore, the actions taken by Defendants have resulted in the denial of the constitutional rights of Plaintiff in that she has been deprived of life, liberty, and/or property interests guaranteed by the Fourteenth Amendment to the United States Constitution.

8. ACTUAL DAMAGES. By reason of the conduct outlined above, Plaintiff has suffered severe economic losses, emotional distress and general damages.

9. PUNITIVE DAMAGES. The conduct of the Defendant has exhibited a callous disregard for the rights and welfare of Plaintiff. This conduct justifies the imposition of punitive damages to act as a deterrent to prevent actions from occurring in the future.

10. ATTORNEYS' FEES. Plaintiff, pursuant to 42 U.S.C. § 1988, seeks recovery of all reasonable and necessary attorneys' fees incurred in the prosecution of this lawsuit.

11. JURY DEMAND. Plaintiff in the above styled and numbered cause, files this demand for jury trial.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein and that upon final trial hereof, Plaintiff have and recover of and from the Defendants her damages in at least an amount exceeding the jurisdiction of this Court, plus costs of Court, interest at the legal rate, and for such other and further relief, general and special, at law or in equity, to which Plaintiff may show herself to be justly entitled.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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