

WARREN CIRCUIT COURT  
Case No. \_\_\_\_\_  
Division \_\_\_\_\_

*Electronically filed*

JEFFREY QUEEN,

Plaintiff

v.

CITY OF BOWLING GREEN and  
DUSTIN ROCKROHR,

Defendants

### **COMPLAINT**

Comes now the Plaintiff, Jeffrey Queen (Queen), by counsel, and for his  
Complaint, states as follows:

#### **Introduction**

1. Queen was a firefighter with the City of Bowling Green (City) who experienced ongoing harassment and retaliation during his nearly five years of employment with the City. He was subjected to derogatory and threatening verbal attacks and physical assault based on sex, perceived lack of gender conformity and religion. After reporting the harassment he was retaliated against and ultimately constructively discharged.

#### **Parties**

2. Queen was hired as a firefighter with the City of Bowling Green in or about September 2011.
3. The City of Bowling Green is a city in Kentucky organized pursuant to KRS 83A.150.

4. The City operates a fire department (Fire Department) comprised of approximately 125 paid employees working in six stations and one administrative office building.
5. The Fire Department is under the management of the Bowling Green City Manager and is currently headed by Fire Chief Jason Colson.
6. The City is an employer as that term is defined by KRS 344.030(2) and a covered employer as that term is defined by 29 U.S.C. 825.104.
7. Queen is an employee as that term is defined by KRS 344.030(5) and an eligible employee as that term is defined by 29 U.S.C. 825.110.
8. Dustin Rockrohr is a person as that term is defined by KRS 344.280, who, upon information and belief, resides in Rockfield, Kentucky.

### **Jurisdiction**

9. Queen is a resident of White House, Robertson County, Tennessee.
10. Queen was employed by the City of Bowling Green located in Warren County, Kentucky.
11. The actions complained of herein occurred in Bowling Green, Warren County, Kentucky.
12. Queen's damages exceed the jurisdictional minimum of this Court.
13. Venue is proper in this Court.

### **Facts**

14. Queen is an atheist.
15. Queen was hired as a firefighter by the City in September 2011. He was assigned to the Bowling Green Fire Training Center for the first two and a half months of his employment.

16. Immediately upon beginning his employment in the training program, Queen heard Assistant Chief of Training Norman Simpson repeatedly refer to African Americans using the “n” word, refer to Muslims as “towelheads,” refer to individuals who had religious beliefs other than Christianity as “pagans” and “atheists,” and refer to gay and lesbian individuals as “homos” and “faggots.”
17. During his training, Queen observed other employees of the Fire Department making similar comments and laughing and encouraging these types of comments. These employees included other firefighters, Sergeants, Captains and Chiefs.
18. During training, Queen was repeatedly asked by other firefighters and his superior officers to identify his church membership.
19. Soon after completing training, Queen was assigned to Station Four. He routinely worked with Chief Colson who was a Captain at that time. The religious harassment Queen experienced during training continued during his assignment to Station Four and throughout the rest of his employment with the City. This harassment included, but was not limited to, the following:
  - a. In early 2012, a firefighter interrogated Queen regarding his religious practices and demanded to know if he had been “saved.” Captain Colson, Sergeant Brad Akins, Sergeant Dale Willis and Captain Steven Daniels were present during and participated in this questioning.
  - b. Captain Colson advised Queen that he needed to join a church.
  - c. Captain Paul Campbell advised Queen that he needed to get right with Jesus on several occasions in late 2012 and early 2013.

- d. In 2013, Captain Todd Barnard stated publicly that atheists “deserve to burn.” During this same conversation, Chief Frye stated “I’ll be damned if I work with them” and another member of the Fire Department said he was “sure as hell glad none of those fuckers work here.”
  - e. In a conversation including Chief Napier, Captain Mike Alexander, and two firefighters, they referred to Muslims as towelheads and said “we need to ship them all back to where they came from” and “let the bombs torch them, they are going to hell anyway.” They continued, stating, “at least they [Muslims] believe in God though, not like those fucking atheists you hear about;...there’s more hope for a towelhead than them,” and “now those are some sons-a-bitches that deserve to burn” and “you know atheist is the anti-Christ.”
  - f. While employed at the Airport Station in 2014, Queen was forced to endure bible study sessions during station dinners. These study sessions included assignments to read specified verses and then discuss those verses during dinner.
20. Given the extensive questioning of his religious beliefs and Department members’ knowledge that he did not attend church or voluntarily attend Fire Department bible study sessions Queen began to fear for his safety.
21. The Fire Department’s harassment and discrimination was not directed solely toward Queen. While Queen was experiencing ongoing harassment, he also observed members of the Fire Department make denigrating comments regarding the citizens of Bowling Green based on their race, religion and ethnicity including, but not limited to, the following:

- a. Upon observing a Middle Eastern woman and her children walking by the Headquarters station, then Sergeant Daniels stated, “she may be a sandn---, but I’d still bend her over and give her what she deserves.” Rockrohr responded, “yeah, I bet you would. I’d make her enjoy it too.”
- b. A firefighter referred to a group of young African-American men as “fucking n-----s.” Despite hearing the comment, Sergeant Evan Henderson and Captain Paul Campbell did not reprimand or otherwise seek to stop the firefighter from making the comment and in fact joined in.
- c. Captain Eric Smith, Mechanic Gary Miller, Sergeant Michael Bean and a firefighter engaged in a conversation in which Miller referred to a group of African-American men as “hood rats” and “n-----s.” Smith advised that “there are thugs everywhere.”
- d. During a fundraiser at a local Wal-Mart, members of the Fire Department, made comments about the citizens donating, calling them “towelheads,” “jihadis” and “ali-babas.”
- e. During a cultural celebration in Bowling Green, Captain Jim Morrow told Queen’s crew, who was relieving Morrow’s crew at the event, to “brace yourself, there’s a lot of rag heads.”
- f. The Fire Department’s hostility toward Muslims reached a peak in late 2015 when a firefighter at the Airport Station where Queen was assigned burned the Quran in front of the Fire Station while mocking the Muslim call to prayer. During the Quran burning, the firefighter stated, “burn them all.” Both Sergeant Bean and Captain Smith were present and encouraged the firefighter’s actions.

22. Queen's fear that his co-workers would not support him in an emergency situation that required cooperative effort to ensure the team's safety was increased as a result of this open hostility toward non-Christians.
23. Queen's fear was not misplaced. When Queen publicly acknowledged that he was an atheist in early 2016, Captain Smith and a firefighter stated they would "burn his house down."
24. The Fire Department's harassment of Queen was not limited to religious issues. Firefighters and commanding officers also engaged in harassment based on Queen's sex and his failure to conform to gender norms. This harassment included, but was not limited to, the following:
  - a. Queen was repeatedly asked if he was gay and accused of being gay by firefighters and management beginning in early 2012.
  - b. Sergeant Caleb Hulsey and Captain Melvin Norris said to him, "Hey Queen, you still work here? Didn't you know, no fags allowed?"
  - c. Upon hearing that Queen's wife was pregnant, Captain Rockrohr stated, "I already knew because I'm the one that fucked her up real good." Another firefighter added, "Yeah, Queen, I didn't think you liked pussy."
  - d. Upon observing a man perceived as gay in the Greenwood Mall, Sergeant Bean said, "Look at this queer." Captain Smith replied, "They're everywhere now. Need to keep those faggots away. Looks like your type Queen."
  - e. Various members of the Fire Department, at all levels of management, made statements that they would not touch "faggots" and "homos" because they "probably had AIDS."

- f. Queen was told, “If a homo works here, we’ll make sure he dies in a fire. We’ll chop his feet off.”
  - g. Chief Frye, Captain Steven Daniels, Sergeant Hulsey and a firefighter made comments referring to members of the LGBT community including:
    - i. “those fucking faggots”
    - ii. “let them burn”
    - iii. “fucking homos”
    - iv. “ain’t gonna touch them if I don’t have to”
  - h. On at least one occasion, members of Queen’s crew declined to offer medical care to a man experiencing severe chest pain after determining that he was gay.
25. These comments coupled with prior questions and comments based on Queen’s sex caused Queen tremendous fear for his safety.
26. In fall 2012, Queen complained to Captain Rockrohr about the inappropriate slurs directed at him as well as the comment directed at gay, African-American and Muslim community members. Rockrohr immediately became defensive and advised Queen to reconsider what he was saying.
27. Queen was not scheduled to work the day following his complaint. Rockrohr called him at home and advised him that he had spoken to the Fire Chief and they believed Queen should find a new job as his employment with the Bowling Green Fire Department was “not working out.”
28. On the first work day following Queen’s report of the Department’s harassing and discriminatory conduct, Rockrohr advised Queen that he must report to a meeting with the Fire Chief and Captain Rockrohr. Rockrohr further advised

Queen that he needed to “get with the program if you want to continue being a firefighter.”

29. The meeting with the Fire Chief was cancelled when Queen agreed to do his best to fit in with his colleagues out of fear of retaliation or termination.
30. Captain Rockrohr took no steps to address the harassing and discriminatory conduct engaged in by Fire Department employees after Queen’s 2012 complaint.
31. To the contrary, after making a complaint, Queen was subjected to an even more hostile work environment.
  - a. Soon after this report of the Department’s inappropriate conduct to management, Queen was called a “faggot” and “libtard” by co-workers and management on a nearly daily basis.
  - b. He was physically assaulted when walking through the Fire Station by either Captain Rockrohr, Sergeant Hulsey or Sergeant Billy Daniels, all of whom were present and either tripped Queen or observed the incident.
32. Queen declined to find new employment and continued to work in this hostile work environment that was permeated with racial and ethnic slurs as well as derogatory comments regarding members of the LGBT community.
33. In addition to Queen’s complaint to Rockrohr in 2012, Queen also filed two anonymous complaints with the Fire Department’s Human Resources Department, one in the spring of 2013 and one in the fall of 2014. The Human Resources Department does not appear to have taken any steps to investigate these complaints.

34. Queen also filed a complaint using the City's ethics hotline in 2015. But again, the City declined to investigate or correct the pervasively hostile work environment.
35. The threats to kill any atheist or gay firefighter combined with the Fire Department's treatment of Queen as an atheist, their harassment of him based on sex, and their perception of him as failing to meet gender norms resulted in Queen experiencing anxiety to the degree that he required a leave of absence in February 2016.
36. Queen properly applied for and was granted a leave pursuant to the Family and Medical Leave Act (FMLA).
37. While on leave, Queen was subjected to multiple requests for information regarding his medical condition by members of Fire Department management. Such requests for information are impermissible under the FMLA and were improper.
38. Queen's anxiety and fear at returning to work with co-workers who had openly stated a desire to harm him, combined with the extremely dangerous work conditions that would provide his co-workers such an opportunity and the Department's refusal to resolve the hostile work environment resulted in Queen's constructive discharge in May 2016.

### **Claims**

1. Queen was subjected to a hostile work environment based on his religion throughout his employment in violation of KRS 344, *et seq.*

2. Queen was subjected to a hostile work environment based on his sex and his failure to conform to gender norms throughout his employment in violation of KRS 344, *et seq.*
3. Queen was constructively discharged from his employment with the Bowling Green Fire Department.
4. The Fire Department violated the FMLA when its managers sought information regarding Queen's medical condition from him after his leave was approved in violation of 29 U.S.C. 2615.
5. The Fire Department and Rockrohr retaliated against Queen in violation of KRS 344, *et seq.* after he complained about the hostile work environment.

Wherefore, Plaintiff respectfully requests the Court grant judgment in his favor and against the Defendants for:

- a. Trial by jury on all claims so triable;
- b. Compensatory damages;
- c. Liquidated damages;
- d. Equitable relief;
- e. Attorney fees and costs expended; and,
- f. Any and all other relief the Court deems appropriate.

Respectfully submitted,

CRAIG HENRY PLC

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