

STATE OF RHODE ISLAND  
 KENT, SC.

SUPERIOR COURT

WILLIAM PERRY,

Plaintiff,

v.

C.A. No. KC-2018- 0830

TOWN OF EAST GREENWICH,  
 RHODE ISLAND, by and through its  
 Finance Director, LINDA DYKEMAN;  
 SUZANNE MCGEE CIENKI, individually  
 and in her capacity as President of the  
 Town of East Greenwich Town Council;  
 and GAYLE A. CORRIGAN, in her  
 capacity as the Town Manager of the  
 Town of East Greenwich,

Defendants.

### **COMPLAINT**

Plaintiff Lt. William Perry (“Lt. Perry”) files this civil action seeking money damages and associated relief from the Town of East Greenwich, Rhode Island (the “Town”), by and through its Finance Director Linda Dykeman (“Dykeman”), for the Town’s illegal acts committed by and through its Town Council President Defendant Suzanne McGee Cienki (“Cienki”), and its Town Manager Defendant Gayle A. Corrigan (“Corrigan). Lt. Perry also seeks money damages and associated relief from Cienki in her individual capacity.

### **PARTIES**

1. Lt. Perry is an individual residing in East Greenwich, Rhode Island. Lt. Perry is employed by the Town as a firefighter and is head of the Town firefighters union. Lt. Perry is married to Laurie M. Perry (“Ms. Perry”). Ms. Perry was employed by the Town finance

department from July 13, 2015 to September 5, 2017. Lt. Perry's brother, James Perry, is also a Town firefighter.

2. The Town is a municipal corporation organized and existing under the laws of the State of Rhode Island.

3. Defendant Dykeman is the Finance Director of the Town of East Greenwich and is sued in her official capacity.

4. Defendant Cienki is the Town Council President and is sued in both her official and individual capacities.

5. Defendant Corrigan is the Town Manager and is sued in both her official and individual capacities.

### **JURISDICTION AND VENUE**

6. This Court has subject-matter jurisdiction over this action pursuant to R.I. Gen. Laws § 8-2-14, § 42-112-2 and § 28-5-24.1.

7. Venue is proper in accordance with R.I. Gen. Laws § 28-5-28 because the unlawful actions at issue occurred in Kent County.

### **FACTS**

#### ***The June 2017 Meeting***

8. A meeting was held in the Town Hall on the morning of June 12, 2017. It was attended by Cienki, Lt. Perry, former Town Manager Tom Coyle, Town Councilman Sean Todd, firefighter Michael Jones and then-Fire Chief Russell McGillivray.

9. During the meeting, Cienki stated that she was unhappy with several Town firefighters who had formerly worked for other localities because they came to the Town with a "history."

10. In particular, Cienki singled out Lt. Perry. Cienki stated to the group: “I will cut off his balls and feed them to his god damn dog” if Lt. Perry did not “handle” the firefighters. She issued the same threat to another firefighter, David J. Gorman (“Gorman”), additionally saying that Gorman was a “sociopath.”

### *July 2017*

11. By letter dated July 19, 2017, Lt. Perry lodged a formal complaint with then-Fire Chief McGillivray about the comments Cienki made at the June 12, 2017 meeting.

12. Two days later (July 21, 2017), the Town hired a new clerk at the Town fire department. Lt. Perry’s wife had previously applied for this position. The person who was hired instead of Ms. Perry had less seniority than Ms. Perry, was not a current Town employee, and had not even applied for the job.

### *August 2017*

13. After being passed over for the Town fire department clerk position, on August 9, 2017, Lt. Perry’s wife filed an employment discrimination claim to the Rhode Island Commission for Human Rights (the “Commission”).

14. Two days later (August 11, 2017), Dykeman conducted an informal audit of the finance department, where Lt. Perry’s wife worked. Dykeman concluded that the staff of the finance department should be reduced by one clerk.

15. On August 17, 2017, Lt. Perry, through counsel, sent a letter to the Town Solicitor asking for a response to the complaint he had filed about Cienki.

16. Two days later (August 19, 2017), Corrigan discharged James Perry, Lt. Perry’s brother, from his position as a Town firefighter. Four days later (August 21, 2017), Corrigan fired Ms. Perry, effective September 5, 2017.

17. On August 21, 2017, Corrigan responded to Lt. Perry's formal complaint against Cienki. Corrigan confirmed that the allegations in Lt. Perry's complaint were true and that Cienki had indeed made the statements about which he complained. Nonetheless, Corrigan announced that the Town would not discipline Cienki.

18. Upon learning that Ms. Perry had lost her job, on August 23, 2017, Lt. Perry went with his wife to the Town Hall to retrieve personal items from her desk.

19. In the hallway, Dykeman confronted Lt. Perry's wife and demanded to see what she had taken from her desk. Ms. Perry responded they were her personal things. Dykeman began yelling that Ms. Perry must report to the Town Manager to display what she had taken from her desk. Shaken, Ms. Perry and Lt. Perry left the Town Hall.

20. At about 1:15 p.m. on August 23, 2017, Dykeman obtained from the police a no-trespass order on Ms. Perry that applied to "125 Main St. East Greenwich — Finance Office" and was then amended to include "all Town offices."

21. At about 4:28 p.m. on August 23, 2017, the Town sent a memorandum by email to a distribution list that included "All-Fire," "All-Police," "All-Town," and the Town Council. The memorandum, addressed to "All Town Employees," announced that "a restraining order has been issued to former Town employee Laurie Perry . . . from any Town building or facility[.] Given this situation, you are directed not to allow Ms. Perry onto . . . Town Property . . . . If you see [ ] Ms. Perry in or upon Town buildings [etc] please notify the . . . . Police."

22. In fact, no "restraining order" had ever been issued against Ms. Perry. Contrary to what was stated in the memorandum, Ms. Perry was not a "former" employee, because her firing had not yet become effective.

23. Also on August 23, 2017, Corrigan emailed McGillivray a memorandum that falsely states: “as a result of an incident that occurred today at Town Hall, a restraining order has been issued to former Town employee Laurie Perry, restraining her from coming to, or entering upon any Town building or facility.” Corrigan’s memorandum went on to state, incorrectly, that “Lt. Perry directed his wife to not answer or comply with Director Dykeman’s requests.” Corrigan then directed McGillivray to instruct Lt. Perry that “he is not to come into Town Hall during normal business hours unless it is directly related to his duties and responsibilities as a firefighter.” By email, MacGillivray forwarded Corrigan’s memorandum and directive to Lt. Perry.

24. On or about August 28, 2017, Lt. Perry, through counsel, sent a letter to the Town Solicitor stating that Corrigan’s response to Lt. Perry’s complaint was unacceptable.

25. Also, in August 2017, James Perry, Lt. Perry’s brother, filed an action against the Town in Rhode Island Superior Court for wrongfully discharging him from his position as a Town firefighter and requested reinstatement (captioned as East Greenwich Firefighters Association v. Corrigan, et al., C.A. No. KC-2017-0898). James Perry’s verified complaint was signed by both James Perry and Lt. Perry. Id.

### ***September 2017***

26. The dismissal of Lt. Perry’s wife became effective on September 5, 2017.

### ***October 2017***

27. After Ms. Perry’s employment was terminated, she was entitled, under her collective bargaining agreement, to a six-month period of automatic recall if a position with the Town, for which she was qualified, became available.

28. On information and belief, at a department heads meeting in or about early October 2017, Corrigan stated that she would never allow the Town to recall Ms. Perry for any position with the Town because “she’s a criminal and a child abuser.”

***November 2017***

29. On November 8, 2017, this Court issued a decision reinstating Lt. Perry’s brother, James Perry, to his position on the Town fire department because the Town had “no valid basis to terminate [him].” (See East Greenwich Firefighters Association v. Corrigan, et al., C.A. No. KC-2017-0898, dated November 8, 2017.)

30. On or about November 27, 2017, Lt. Perry submitted a charge to the Commission asserting claims under the Rhode Island Fair Employment Practices Act (“FEPA”), R.I. Gen. Laws § 28-5-1 et seq., related to the June 2017 meeting and the Town’s subsequent retaliation against him and his family members.

***December 2017***

31. On December 18, 2017, Lt. Perry’s wife filed an action in Rhode Island Superior Court against the Town and others related to her defamatory, discriminatory and retaliatory treatment (Perry v. Town of East Greenwich, et al., C.A. No. KC-2017-1274).

***January 2018***

32. On or about January 25, 2018, Ms. Perry submitted a charge to the Commission asserting claims under FEPA regarding her defamatory, discriminatory and retaliatory treatment by the Town.

***April 2018***

33. On April 19, 2018, the Town, through Fire Chief Robinson, initiated an investigation of Lt. Perry regarding a document faxed to the fire house. Robinson claimed that Lt. Perry saw the document in the fax machine but left it “unsecured.”

34. On April 23, 2018, Lt. Perry testified at a Town Council meeting regarding the Town’s proposal to adopt a 56-hour work week for Town firefighters. Lt. Perry was critical of this proposal.

35. Two days later (April 25, 2018), Corrigan sent an email to Town residents alleging that Lt. Perry’s testimony at the Town Council meeting was “false and misleading.” Corrigan purposefully disclosed personal information about Lt. Perry in this email.

***May 2018***

36. Pursuant to R.I. Gen. Laws § 45-15-5, by letter dated May 30, 2018, Lt. Perry wrote to the East Greenwich Town Council regarding the defamatory and sexually harassing comments made about him by Cienki at the June 12, 2017 meeting. The letter also recounted the Town’s campaign of retaliation and harassment directed against Lt. Perry and his family that occurred after he complained about Cienki’s conduct. Lt. Perry stated that he reserved his right to file an appropriate legal action unless he received monetary compensation and other relief from the Town and Cienki within 40 days.

37. Neither the Town nor Cienki responded to Lt. Perry’s letter.

***June 2018***

38. On or about June 13, 2018, the Town, through Robinson, completed the investigation it had opened in April 2018 with regard to the document that Lt. Perry saw in a fax machine. The Town disciplined Lt. Perry for his failure to “secure or protect the document” by

imposing a two-shift suspension without pay, and by putting the suspension notice in his permanent personnel file.

39. This suspension was the first that Lt. Perry had ever received in his lengthy career as a firefighter.

### ***July 2018***

40. The Town Council's agenda for its July 9, 2018 meeting listed a vote to dismiss a fire lieutenant without stating his or her name. After an executive session, that item was removed from the agenda.

41. For some reason, both Corrigan and Cienki told the *Providence Journal* that the fire lieutenant listed on the agenda was not Lt. Perry. When their statement was published by the *Providence Journal* on July 10, 2018, their statement unnecessarily associated Lt. Perry with a fire lieutenant being terminated.

### **Count I Rhode Island Civil Rights Act of 1990 R.I. Gen. Laws § 42-112-1**

42. Lt. Perry incorporates by reference the allegations in Paragraphs 1 through 41 above.

43. Cienki's statement to various Town officials that she intended to "cut off [Lt. Perry's] balls and feed them to his god damn dog" constituted sexual harassment in violation of the Rhode Island Civil Rights Act of 1990, R.I. Gen. Laws § 42-112-1 et seq. (the "CRA").

44. The Town, through its agents Robinson, Dykeman, Cienki and Corrigan, violated the CRA by retaliating against Lt. Perry because (i) he engaged in protected conduct, (ii) his wife engaged in protected conduct, and (iii) his brother engaged in protected conduct.



45. The Town, through its agents Robinson, Dykeman, Cienki and Corrigan, also violated the CRA by retaliating against Lt. Perry's wife and brother because Lt. Perry engaged in protected conduct.

46. As a proximate result of these violations of the CRA, Lt. Perry has been damaged in an amount to be determined at trial.

**Count II**  
**Fair Employment Practices Act**  
**R.I. Gen. Laws § 28-5-1 et seq.**

47. Lt. Perry incorporates by reference the allegations in Paragraphs 1 through 46 above.

48. Cienki's statement to various Town officials that she intended to "cut off [Lt. Perry's] balls and feed them to his god damn dog" constituted sexual harassment in violation of the Rhode Island Fair Employment Practices Act ("FEPA"), R.I. Gen. Laws § 28-5-1 et seq. ("FEPA").

49. The Town, through its agents Robinson, Dykeman, Cienki and Corrigan, violated FEPA by retaliating against Lt. Perry because (i) he engaged in protected conduct, (ii) his wife engaged in protected conduct, and (iii) his brother engaged in protected conduct.

50. The Town, through its agents Robinson, Dykeman, Cienki and Corrigan, also violated FEPA by retaliating against Lt. Perry's wife and brother because Lt. Perry engaged in protected conduct.

51. As a proximate result of these violations of FEPA, Lt. Perry has been damaged in an amount to be determined at trial.

52. On or about November 27, 2017, Lt. Perry submitted his FEPA claim to the Commission.

53. On or about April 30, 2018, the Commission granted Lt. Perry the right to sue the Town pursuant to R.I. Gen. Laws § 28-5-24.1.

WHEREFORE, Lt. Perry requests that this Court enter the following relief:

A. Judgment for Lt. Perry against Dykeman, Cienki, Corrigan and the Town in an amount to be determined at trial;

B. An award of litigation costs and reasonable attorneys' fees as permitted by R.I. Gen. Laws § 42-112-2 and § 28-5-24; and

C. Such further relief as this Court deems appropriate.

**PLAINTIFF DEMANDS TRIAL BY JURY**

WILLIAM PERRY  
By his Attorneys,

*/s/ Mark A. Pogue*

*/s/ Katharine E. Kohm* \_\_\_\_\_

Mark A. Pogue (#3441)

Katharine E. Kohm (#8194)

PIERCE ATWOOD LLP

One Financial Plaza, 26<sup>th</sup> Floor

Providence, RI 02903

(401) 490-3416

(401) 588-5166 (fax)

[mpogue@pierceatwood.com](mailto:mpogue@pierceatwood.com)

[kkohm@pierceatwood.com](mailto:kkohm@pierceatwood.com)