

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jovan Palmieri,

Court File No.: _____

Plaintiff,

COMPLAINT

v.

Barton “Butch” Inks, Chief of the St. Paul
Fire Department (individually), Michael
Gaede, Assistant Chief of the St. Paul Fire
Department (individually), and the City of
Saint Paul,

Defendants.

Plaintiff Jovan Palmieri, through his attorneys, John A. Klassen, PA, 310 Fourth Avenue South, Suite 5010, Minneapolis, Minnesota, 55415, and Muller & Muller, PLLC, 310 Fourth Avenue South, Suite 5010, Minneapolis, Minnesota 55415, for his Complaint against the above-named Defendants, states and alleges as follows:

NATURE OF CLAIM

1. This is an action to secure relief for violations of rights guaranteed by the United States Constitution under 42 U.S.C. § 1983 (“Section 1983”), the Minnesota Whistleblower Act, Minn. Stat. § 181.932 et seq., and the Minnesota Occupational Safety and Health Act, Minn. Stat. §§ 182.01 et seq.

JURISDICTION AND VENUE

2. Plaintiff brings this action under, and jurisdiction thereof is conferred on this Court by virtue of 28 U.S.C. § 1331 and 42 U.S.C. § 1983.

PARTIES

3. Plaintiff Jovan Palmieri (“Plaintiff”) is an adult male who now and at all times relevant was a resident of Sherburne County, State of Minnesota, and a citizen of the United States. At all times material herein, Plaintiff was an “employee” of the Saint Paul Fire Department (“SPFD”) and the City of Saint Paul.

4. Defendant City of Saint Paul (“Saint Paul”) is a Minnesota political subdivision. At all times material herein, Saint Paul was Plaintiff’s “employer.” The SPFD is a department of such Defendant.

5. Defendant Barton “Butch” Inks (“Inks”) is an adult male who now and at all times relevant was a resident of the state of Minnesota, and an employee of Saint Paul, including as Plaintiff’s superior in his capacity as first the Assistant Chief and then the Chief of the SPFD.

6. Defendant Michael Gaede (“Gaede”) is an adult male who now and at all times relevant was a resident of the state of Wisconsin, and an employee of Saint Paul, including as Plaintiff’s superior in his capacity as the Assistant Chief of the SPFD.

FACTS

7. In 2000, Plaintiff first commenced employment with Saint Paul as a firefighter.

8. Plaintiff held the rank of District Chief and the job title of Fire Training Officer/Paramedic when he was constructively discharged on December 6, 2019.

9. At all times during his employment with Saint Paul, Plaintiff met or exceeded his job expectations.

10. In 2016, as an example of his strong job performance, Plaintiff was tasked with being the Lead Instructor at Saint Paul Fire Department’s (“SPFD”) Fire Academy. In 2017, he held the rank of Captain and was promoted to Interim Fire Training Officer/Paramedic but was paid at the

rank of District Chief. He was promoted to the rank of District Chief in March 2018 and held the title of Fire Training Officer/Paramedic for the remainder of his tenure at Saint Paul.

11. Beginning in 2016, when Plaintiff served as Lead Instructor for the SPFD Fire Academy and continuing through the date of his termination in December 2019, Plaintiff observed Defendants Inks and Gaede engage in multiple incidents of interference and obstruction in the proper and safe training of SPFD firefighter trainees. Inks and Gaede's conduct, directives, and statements resulted in the creation of a dangerous working situation for SPFD's firefighters and the dangerous undermining of the firefighting capabilities of the SPFD. The actions and statements of Inks and Gaede created public safety risks for Saint Paul's citizens, businesses, and entities, as well as on-the-job health and safety risks for Saint Paul's firefighters.

12. During the period 2016 through December 2019, in each position and rank Plaintiff held at SPFD's training academy, Plaintiff opposed and reported what he reasonably believed to be violations of national and state firefighter training standards by Defendants. Plaintiff opposed and reported the conduct of Defendants because it endangered the public citizens, businesses, and entities of the City of Saint Paul, as well as the SPFD firefighters serving to protect them.

13. By way of example only, and without limitation, Defendants engaged in the following conduct that created a dangerous lack of training and preparedness in the SPFD:

a. In the 2016 training academy, Inks intervened on behalf of poorly performing recruits who were creating serious safety concerns for the training staff. As a result of Inks' interference for personal reasons, poorly performing recruits were allowed to complete the training process. This created a serious risk of injury or death to fellow firefighters and a risk to the public.

b. Inks and Gaede continued interfering with the review process of training academy recruits in this manner through 2019. For example, on May 8, 2018, Plaintiff met with Gaede to

discuss Inks and Gaede overriding training staff recommendations and reviews of poorly performing recruits. Critically, Inks and Gaede overrode Plaintiff's recommendations about a recruit who panicked in live fire exercises and could not even hold a standard attack fire hose line while it was flowing with water. When Plaintiff explained that this recruit was unsafe and created a risk for the department and the public, Gaede disagreed and told Plaintiff he had a problem with what Plaintiff was reporting. Gaede impliedly threatened Plaintiff to keep quiet.

c. In a number of instances, the recruits on whose behalves Inks intervened had personal connections to this high-ranking fire officer. In nearly all instances of Inks and Gaede overriding Plaintiff's and training staff's recommendations, the recruits graduated from the academy against the advice of Plaintiff and the training division staff. This endangered their fellow firefighters, the individual recruit, and the public who the department was sworn to protect.

d. Beginning in January 2018 and continuing through October 2019, Inks and Gaede intentionally degraded fire training by short-staffing the training division and academy staff. By June 2019, the only staff officer left in the fire training division was the Plaintiff. The resulting ratio of firefighters to training staff was 450:1, an unacceptable and unprecedentedly high ratio. This practice and policy set a dangerous precedent at SPFD. As of June 2019, Inks and Gaede had not taken steps to fill critical vacancies in the training division. They also removed a Fire Captain from the staff of the 2019 training academy.

e. Throughout most of his time at the training division, Plaintiff was forced to perform the work of two to three training staff officers, which was grossly inadequate given the fact that the SPFD had 450 firefighters and support personnel that needed to be kept compliant and up to date in their training.

f. Beginning in July 2019, Inks and Gaede limited Plaintiff to working only 8 hours per day to complete the work of three training division officers. They forbid him to work longer hours that were needed to complete the training division's obligations. As a result, Inks and Gaede created significant lapses in the adequate training of SPFD's firefighters.

g. An example of the lack of training caused by Inks and Gaede's conduct was critical high-rise building fire training. On July 10, 2019, Plaintiff spoke to Gaede about the fact that approximately half of SPFD's firefighters had a lack of high-rise fire training. He explained that this was due to the gross understaffing of the training division as directed by Inks and Gaede.

h. During that same conversation, Plaintiff explained that the staffing shortages were also causing gross lapses in HazMat team training, and that without a full complement of staff, dangerous conditions were being created by the lack of training.

i. Plaintiff further explained that the lack of live fire training had the grave potential to lead to injuries and/or fatalities due to lower competency levels of the fire crews.

j. In reply to these concerns voiced by Plaintiff, Gaede told him he had crossed the line and mocked him, saying, "Oh, someone's going to die." Gaede told Plaintiff he was getting frustrated by Plaintiff repeatedly bringing up the word "dangerous" and by talking about safety concerns. Gaede concluded by accusing Plaintiff of being disrespectful.

k. The dire lack of training compliance continued through December 2019 when Plaintiff was constructively discharged by Saint Paul. At all times relevant, Plaintiff reasonably and in good faith believed that Defendants' conduct violated the National Fire Protection Association training standards, OSHA standards and other state and federal requirements for training firefighters.

14. From 2016 through December 2019, Plaintiff repeatedly opposed and reported Defendants' actions that were endangering firefighters and those the SPFD was sworn to serve and protect. By way of example only, and without limitation, Plaintiff engaged in the following protected conduct:

a. During the January – April 2016 training academy, Plaintiff observed that a number of recruits were not meeting the required standards. Inks intervened to assure they graduated over the objections of Plaintiff and the training academy staff. Plaintiff subsequently provided a statement to an outside investigator hired by Saint Paul, wherein he reported his concerns about Inks interfering in the academy review process and overriding training standards for firefighters.

b. On April 4, 2018, during the 2018 training academy, Plaintiff voiced concerns to Gaede about safety concerns for a group of poorly performing recruits. On April 10, 2018, Inks came to the training academy and spoke to Plaintiff. Inks threatened the promotion of one of Plaintiff's staff if she continued to voice concerns about the performance of some of the recruits, stating, "She may not want to screw that up." Plaintiff understood the threat to also apply to him.

c. On May 8, 2018, Plaintiff reported his opposition to the Defendants' refusal to follow the training academy's recommendations on failing out certain recruits. He spoke to Gaede about unsafe practices and risks for the department personnel and the public if poorly performing recruits were allowed to graduate. Gaede disagreed and told Plaintiff he had a problem with Plaintiff's report.

d. On June 12, 2019, Plaintiff met with Gaede. Plaintiff again raised the issue of a poorly performing recruit who posed a danger to department personnel and the public. Plaintiff again reported to Gaede the issue of severe short staffing in the training department, which was

creating a real and present danger to personnel and the public. Gaede told him he was “overstepping” by continuing to report about these issues in the training division.

e. On July 10, 2019, Plaintiff yet again met with Gaede and relayed his report and opposition to the severe short staffing in the training division. Plaintiff stated that it was causing a lack of essential training for department personnel. He related that the ratio of 450:1 of firefighters, EMS and support staff personnel to the training staff was dangerous, unprecedented, and absurd. Plaintiff told Gaede, “It is dangerous what we are doing now.” Plaintiff provided Gaede with examples, such as half the department not receiving live fire high rise building training, with some personnel not trained on this in three years; HazMat teams being behind on training; and fire captains not accurately logging their training. Gaede’s response was, “You have now crossed the line a couple of times.” Plaintiff concluded the meeting by telling Gaede, “We are going to have a line of duty death if we continue this way. We are extremely lucky no one has been seriously hurt so far.”

f. On or about September 4, 2019, Plaintiff submitted a detailed report to Saint Paul that outlined his concerns about Defendants’ failures to adequately staff the training division and to adequately prepare and train firefighters at the SPFD. Defendant dismissed his formal report and took no corrective or remedial action in response to this report.

15. In response to Plaintiff’s repeated reports of and opposition to inadequate and dangerous training conditions and the graduating of poorly performing recruits, Defendants engaged in serial retaliation against him that commenced in 2016 and continued through December 2019.

16. By way of example only and without limitation, the retaliation experienced by Plaintiff from Defendants as a result of his protected speech and conduct includes the following:

a. In 2016, after Plaintiff and other training staff reported and opposed Inks' dangerous interference in recruit selection, Inks, in his then-role of Assistant Chief, retaliated against Plaintiff (and others) by forcing them to immediately return to regular shifts at the conclusion of the training academy. This was unprecedented and punitive.

b. In 2016, Inks also retaliated against Plaintiff and his training staff by taking away necessary office space for the training division and telling Plaintiff and his staff that they were on a "muzzle order" and could not express their concerns about the safety and training of recruits.

c. On or about April 10, 2018, following a report by Plaintiff and his training staff to Gaede about safety concerns, Inks came to the training division and threatened a female firefighter's promotion to captain. Inks stated, "She may not want to screw that up." Inks also told Plaintiff that the female firefighter would not be allowed to leave the academy and return to the rigs as she requested. Plaintiff understood these threats and punitive directives to be directed not just at the female firefighter but at him as well.

d. That same day, on April 10, 2018, Gaede came to the training division and threatened Plaintiff and others, stating, "If I am out here again it will be fucking, you know, interrogation time," and he then threatened Plaintiff and his staff with investigations against them.

e. During the 2018 training academy, Plaintiff applied for the Fire Training Officer position, a chief level position. He tested for and was promoted into the position, but the acknowledgment that Defendants gave of this promotion in rank was merely Inks telling Plaintiff in passing. This differed greatly from past practices in the department, where firefighters who are promoted are presented their new badge in a small ceremony or in the field, with peers and co-workers present. Promoted personnel are also always offered a promotional ceremony at fire headquarters where peers and family are in attendance. They are allowed to have their person of

choice “pin” their new badge and collar brass to their uniform and pose for photographs. Gaede also refused to order chief rank “turnout” gear for Plaintiff, and he was forced to continue wearing his captain rank’s turnout gear. None of these courtesies and formalities of rank promotion were extended to Plaintiff by Defendants upon his promotion. It was humiliating and degrading. This ran counter to department practice and courtesies offered to chiefs promoted prior to and after Plaintiff.

f. As of March 2018, Defendants refused to allow Plaintiff to work street duty overtime, while allowing other similarly situated officers this opportunity.

g. Gaede forced Plaintiff to punch in and out with a time clock, and only work eight hours per day. Other chief level officers were free to come and go as their jobs required.

h. In 2018, Defendants took more staff away from Plaintiff’s training division, further degrading his ability to complete the amount of work the department required.

i. By June 2019, the only staff officer left in the fire training division was the Plaintiff. This practice and policy set a dangerous precedent at SPFD. As of June 2018, Inks and Gaede had not taken steps to fill critical vacancies in the training division. They also removed a Fire Captain from the staff of the 2019 training academy. They gave him the onerous extra duties of a Fire Training Captain and Deputy Chief of Training yet refused him the resources and personnel to get the job done. He continued to be forced to only work eight-hour days in his job. He was then the sole employee at the training center.

j. Defendants refused Plaintiff’s requests for a take home car from the department. He was the only chief level officer on a forty-hour schedule without department take home car privileges.

k. Beginning in June 2019 and continuing through December 2019, Defendants cut Plaintiff out of most lines of communication and decision-making for the training division. He was excluded from decisions about staffing cuts, filling vacant training positions, budget cuts and changes to the training schedule, all of which were in his job's purview.

l. Beginning in June 2019, Defendants denied Plaintiff increases in pay and benefits commensurate with his scope of work and responsibilities. This was punitive and not done to other chiefs working in appointed positions and/or outside the scope of their rank and job title.

m. In February 2019, Gaede threatened Plaintiff after one of his reports of unsafe training of firefighters. Gaede stated, "You say things are unsafe too much..."

n. In February 2019, Defendants excluded Plaintiff from an internal email soliciting chief level officers to apply for an open Deputy Chief position for operations. As a District Chief, Plaintiff was qualified for the position. He only heard of the opportunity after it was filled.

o. Throughout 2019, Defendants purposely did not invite Plaintiff to command officer meetings.

p. On August 26, 2019, Defendants invited Plaintiff to a command officer meeting. At the meeting, Inks announced that he was cutting a position in the training division. Plaintiff was told it was his position. This was announced in front of Plaintiff's peers in the command staff and was intended to humiliate him.

q. On August 26, 2019, Plaintiff asked Inks and Gaede why he was not being paid at a deputy chief level when he was the only officer at the training division and working beyond the scope of Fire Training Officer. Plaintiff again asked why he was not given a take home car commensurate with his rank and job duties. Inks and Gaede had no response.

r. In Summer 2019, Defendants posted an open Deputy Chief of Training position, which posting stated it required a bachelor's degree. This requirement was false. Defendants purposely included this requirement to ensure Plaintiff did not apply, as they knew he did not have a bachelor's degree.

s. The Deputy Chief of Training position was then reposted by Defendants with the accurate job requirements listed. Plaintiff applied and was interviewed for this appointed position but was later told in November 2019 that he did not get the position. The officer who was appointed as Deputy Chief of Training was substantially less qualified than Plaintiff.

17. Defendants' conduct against Plaintiff, as set forth above, was retaliatory.

18. On or about December 6, 2019, Plaintiff was constructively discharged. He had previously provided Defendants multiple opportunities to correct their retaliatory conduct and they refused to do so.

19. Defendant Saint Paul is vicariously liable and liable under the theory of *respondeat superior* for the unlawful conduct perpetrated against Plaintiff because its management and officials participated in the unlawful conduct, and because Defendant Saint Paul's management and officials condoned this unlawful conduct. Further, Defendant Saint Paul did not take prompt or effective remedial action to stop the unlawful conduct. Defendant Saint Paul's managers and officials took adverse employment actions against Plaintiff within the scope of their employment.

20. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has lost salary, benefits, career opportunities, training opportunities, advancement, promotion, and suffered garden variety embarrassment, humiliation, emotional pain and anguish, and loss of enjoyment

of life. Defendants engaged in this conduct against Plaintiff with malice or reckless indifference to his rights.

COUNT ONE
DEPRIVATION OF CIVIL RIGHTS UNDER COLOR OF LAW, 42 U.S.C. § 1983
DEFENDANTS INKS AND GAEDE

21. Plaintiff realleges the foregoing paragraphs as though fully set forth herein.

22. Defendants are persons under 42 U.S.C. § 1983.

23. Defendant Saint Paul is a political subdivision of the State of Minnesota. Defendant Inks, as an agent of Defendant Saint Paul, acted under color of state law when he engaged in unlawful conduct against Plaintiff. Defendant Inks' actions constituted government action. Defendant Inks acted in both his official and individual capacities in violating Plaintiff's rights.

24. Defendant Saint Paul is a political subdivision of the State of Minnesota. Defendant Gaede, as an agent of Defendant Saint Paul, acted under color of state law when he engaged in unlawful conduct against Plaintiff. Defendant Gaede's actions constituted government action. Defendant Gaede acted in both his official and individual capacities in violating Plaintiff's rights.

Violation of Plaintiff's First Amendment Right to Speak on Matters of Public Concern

25. Defendant Saint Paul is a public employer and receives monetary funding from public sources.

26. Plaintiff's opposition and complaints about Defendant Saint Paul's training of its fire fighters and the allocation of personnel and resources to conduct such training was done in his capacity as a citizen and involved matters of public concern.

27. Plaintiff's reports and opposition about Defendant Saint Paul's training of its fire fighters and the allocation of personnel and resources to conduct such training were communicated to Defendants Inks and Gaede and motivated them to take retaliatory action against Plaintiff.

Defendants took these actions to deprive Plaintiff of his right to freedom of expression, secured by the First Amendment.

28. Pursuant to the policy, practice, usage, and custom of Defendant Saint Paul, and under the color of state law, Defendants established and maintained a work environment that retaliated against Plaintiff for the exercise of free speech.

29. As a result of the unconstitutional actions of Defendants, Plaintiff has suffered pecuniary harm and other compensatory damages in excess of \$75,000.00.

COUNT TWO
MINNESOTA WHISTLEBLOWER ACT
DEFENDANT SAINT PAUL

30. Plaintiff realleges the foregoing paragraphs as though fully set forth herein.

31. Plaintiff was an employee, and Defendant Saint Paul is an employer, as defined by Minn. Stat. § 181.931.

32. Plaintiff, in good faith, opposed and reported violations, suspected violations or planned violations of a state or federal law and related regulations, including, OSHA.

33. Defendants threatened, retaliated against, discriminated against, and constructively discharged Plaintiff because of these reports and oppositions.

34. By these actions, Defendants violated the Minnesota Whistleblower Act's prohibition against retaliation, Minn. Stat. § 181.932.

35. As a consequence of Defendants' violations of the Minnesota Whistleblower Act, Plaintiff has suffered pecuniary harm and other compensatory damages in excess of \$75,000.00.

COUNT THREE
MINNESOTA OSHA ACT OF 1973: DISCRIMINATION
DEFENDANT SAINT PAUL

36. Plaintiff realleges the foregoing paragraphs as though fully set forth herein.

37. Defendant Saint Paul is an employer; Inks is a person; Gaede is a person; and Plaintiff was an employee, as defined by the Minnesota Occupational Health and Safety Act of 1973, Minn. Stat. §§ 182.01 et seq.

38. Under Minn. Stat. § 182.654, subd. 11, Plaintiff had the right to report and oppose working conditions that he reasonably believed to present an imminent danger of death or serious physical harm to fire department personnel and to be free from discrimination for such reports and opposition.

39. Prior to his constructive discharge on or about December 6, 2019, Plaintiff repeatedly asked Defendants to correct the unsafe working conditions in Defendant Saint Paul's fire department.

40. Defendants discriminated against Plaintiff by engaging in retaliation against him and constructively discharging him from employment because he opposed and reported unsafe working conditions. These actions of Defendants violated Minn. Stat. § 182.654, subd. 11, and they caused harm to Plaintiff, entitling him to damages under Minn. Stat. § 182.669.

41. As a consequence of Defendants' violation of the MOSHA, Plaintiff has suffered pecuniary harm and other compensatory damages in excess of \$75,000.00.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays:

A. That the practices of Defendants complained of herein be adjudged, decreed and declared to be violative of the rights secured to the Plaintiff by the Constitution of the United States, 42 U.S.C. § 1983, Minn. Stat. § 181.932 et seq. and Minn. Stat. §§ 182.01 et seq.

B. That a permanent mandatory injunction be issued requiring that Defendants adopt practices in conformity with the requirements of the Constitution of the United States, 42 U.S.C. § 1983, Minnesota Statute § 181.932.01 et seq. and Minn. Stat. §§ 182.01 et seq.

C. That a permanent prohibitory injunction be issued prohibiting Defendants from engaging in the practices complained of herein.

D. That Plaintiff is awarded compensatory damages in an amount to be established at trial.

E. For an entry of an Order enjoining Defendants and their officers, agents, and employees from subjecting Plaintiff to differential treatment and from any retaliation against Plaintiff for prior actions, or for bringing this action.

F. That the Court retain jurisdiction until such time as the Court is satisfied that the Defendants have remedied the practices complained of herein and are determined to be in full compliance with the law.

G. That the Court order Defendants to pay counsel for the Plaintiff his reasonable attorneys' fees and the costs and expenses of this action.

H. That Plaintiff be awarded such other and further legal and equitable relief as may be found appropriate, just, and/or equitable, including punitive damages.

RESPECTFULLY SUBMITTED,

Date: July 28, 2020

JOHN A. KLASSEN, PA

/s/ John Arthur Klassen
John A. Klassen (No. 24434X)
310 Fourth Avenue South, Suite 5010
Minneapolis, MN 55415
john@jaklaw.com
Phone: (612) 204-4533

MULLER & MULLER, PLLC

/s/ Andrew Philips Muller
Andrew P. Muller (No. 32467X)
310 Fourth Avenue South, Suite 5010
Minneapolis, MN 55415
apmuller@themullerlawfirm.com
Phone: (612) 604-5341

ATTORNEYS FOR PLAINTIFF

CIVIL COVER SHEET

JS 44 (Rev. 06/17)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
 Jovan Palmieri

(b) County of Residence of First Listed Plaintiff Sherburne
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 John A. Klassen, PA, 310 4th Ave S, Suite 5010, MPLS, MN 55415 612-204-4533; Muller & Muller, PLLC, 310 4th Ave S, Suite 5010, MPLS, MN 55415 612-604-5341.

DEFENDANTS
 City of St. Paul, Barton Inks, and Michael Gaede

County of Residence of First Listed Defendant _____
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) [Click here for: Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Phannaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395if) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	IMMIGRATION
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify)

6 Multidistrict Litigation - Transfer

8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 USC § 1983 - First Amendment Rights violation

Brief description of cause:
 Former fire officer of Defendant St. Paul brings retaliation claims against defendants for violation of 42 USC § 1983, First Amendment rights.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 75,000+

CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 07/22/2020 SIGNATURE OF ATTORNEY OF RECORD John A. Klassen

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44 Reverse (Rev. 06/17)