

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**STACIE DELLUCKY AND, FRANK DELLUCKY**

**CIVIL ACTION**

**VERSUS**

**NUMBER: 21-287**

**ST. GEORGE FIRE PROTECTION DISTRICT,  
GERARD TARLETON IN HIS OFFICIAL  
CAPACITY AS CHIEF, AND INDIVIDUALLY;  
LOUISIANA ATTORNEY GENERAL,  
JEFF LANDRY IN HIS OFFICIAL CAPACITY  
AS ATTORNEY GENERAL**

**JUDGE:**

**MAGISTRATE JUDGE:**

**AMENDED COMPLAINT WITH JURY TRIAL**

**DEMAND JURISDICTION AND INTRODUCTION**

1.

This is a Civil Action for damages brought pursuant to 42 U.S.C. 1983 for violation of Plaintiffs' rights under the First Amendment, Due Process Clause, Equal Protection Clause, and Article VI, §3 of the U.S. Constitution. Jurisdiction is founded upon 28 U.S.C. 1343.

2.

**Made Plaintiffs herein are:**

Stacie Dellucky is a major domiciliary of East Baton Rouge Parish, Louisiana. Mrs. Dellucky was an employee of St. George Fire Protection District, in East Baton Rouge Parish Louisiana.

Frank Dellucky, is a major domiciliary of East Baton Rouge Parish, Louisiana. Dellucky is husband of Plaintiff. Mr. Dellucky was an employee employed by the St. George Fire Protection District in East Baton Rouge Parish, Louisiana and is currently a fireman.

3.

**Made defendant herein is:**

St. George Fire Protection District through Gerard Tarleton as it's Chief Administrator

is a governmental entity of East Baton Rouge Parish led by Chief of the Fire Department, Gerard Tarleton in his individual and/or official capacity as plead herein below. Tarleton is the chief of the St. George Fire Protection District and any actions as plead herein below are in his individual and representative capacity on behalf of the St. George Fire Protection District. The St. George Fire Protection District is a political subdivision of the State of Louisiana. Their offices are located in Baton Rouge, East Baton Rouge Parish, Louisiana.

State of Louisiana -Attorney General Jeff Landry, in his official capacity is the head of the Louisiana office of the Attorney General, and as the state's chief legal officer, is responsible for administration and enforcement of the constitution and laws in the state of Louisiana.

4.

At all times material hereto, Defendants are persons within the meaning of 42 U.S.C. 1983 and as such is prohibited from violating rights of Plaintiffs under the U.S. Constitution under the color of law. Plaintiffs were employees and former employees of Defendant St. George Fire Protection District at the time of the events.

5.

### **FACTS**

On May 8, 1999, Plaintiff, Stacie Dellucky, married Chad Roberson. Plaintiff, Stacie Dellucky separated from Defendant, Chad Roberson, on March 28, 2017 and was divorced on May 16, 2018.

6.

Plaintiff, Stacie Dellucky was employed by St. George Fire Department in September 2014. Chad Roberson is employed by St. George Fire Department since approximately 1997.

7.

Plaintiff, Stacie Dellucky married her current husband, Frank Dellucky, who worked at St. George Fire Department until his resignation in February 2018.

8.

Plaintiff, Stacie Dellucky began dating Plaintiff Mr. Dellucky prior to her divorce from Defendant, Chad Roberson.

9.

During this time nothing was said by Chief Gerard Tarleton about Plaintiffs dating. While Plaintiff Frank Dellucky was employed there, he was accused of causing the separation of the Plaintiff, Stacie Dellucky, from Chad Roberson, however, Plaintiffs were not dating or seeing each other prior to separation.

10.

Plaintiff Frank Dellucky was forced out of the department by Defendant, Chief Tarleton, and forced to resign.

11.

Over the course of two years, while Plaintiff Frank Dellucky and Plaintiff, Stacie Dellucky dated, Plaintiff, Stacie Dellucky, came to work and did her job without question.

12.

Plaintiff, Stacie Dellucky, was always prompt and never complained. Plaintiff, Stacie Dellucky did, however, feel that her work environment was hostile. Plaintiff, Stacie Dellucky would close herself in her office to avoid the stares and rumors being spread mostly between chief officers. Defendant, Chief Tarleton, did nothing to stop this environment.

13.

Plaintiff, Stacie Dellucky, never officially reported the hostility because Chief Tarleton just

wanted her to come to work and do her job and cause no issues.

14.

Over the course of these two years, Defendant Chad Roberson and Plaintiff, Stacie Dellucky, never had any issues.

15.

When Plaintiff, Stacie Dellucky started dating Frank Dellucky, she was told by Chief Tarleton that she would never receive a promotion. Nothing else was said during the past two years.

16.

On July 7, 2020, Plaintiff, Stacie Dellucky, was called into Chief Tarleton's office.

17.

Defendant, Tarleton started the conversation by telling Plaintiff, Stacie Dellucky, that she married Frank Dellucky.

18.

Defendant, Tarleton then informed Plaintiff, Stacie Dellucky, that because of that, [the marriage] we [the department and Plaintiff, Stacie Dellucky] "had to part ways".

Defendant Tarlton as head of the St. George Fire Department which is a subdivision of the government of the State of Louisiana which is governed by the State of Louisiana laws for which the Defendant Attorney General has a duty of oversight authority.

19.

**COUNT ONE:**  
**DISCHARGE and DEMOTION VIOLATES FIRST AMENDMENT and NINTH**  
**AMENDMENT**

20.

Plaintiffs repeat, reiterate and reallege each and every allegation contained in Paragraphs 1 through 18 as if set forth in full herein.

**21.**

Defendants by their conduct herein alleged, did deprive the plaintiffs of their rights, privileges and immunities secured to them by the laws of the United States, particularly their rights to Freedom of Association, Freedom of Religion, Freedom of sexual intimacy, Freedom from Religious Tests, and Freedoms to Privacy when Defendants disciplined them and constructively discharged them. The conditions of employment became intolerable when Plaintiffs were ordered to change their living arrangements, ordered not to have contact with person they were living at the time and were demoted.

**22.**

The Plaintiffs have suffered damages and ask to be awarded a reasonable sum plus any and all compensatory and punitive damages. They have suffered mental distress, humiliation, embarrassment, past and future pain and suffering and loss of income, past and future.

**23.**

The Fire Chief has failed to discipline, demote or discharge other employees who have engaged in similar behavior. Therefore, it is pretextual for the Fire Chief to claim Plaintiffs have violated the Section on conduct and ethics.

The Attorney General who has the duty to enforce the laws of Louisiana has failed to oversee the actions of a governmental body through the Chief and failed to take any action to correct the behavior of the Fire Chief which is clearly violative of constitutional law.

**COUNT TWO :**  
**CONSTRUCTIVE DISCHARGE**

**EQUAL PROTECTION**

**24.**

Plaintiffs repeat, reiterates and realleges each and every allegation contained herein above, as if fully set forth herein.

**25.**

Defendants by their conduct herein alleged, did deprive the plaintiffs of their rights, privileges and immunities secured to them by the laws of the United States, particularly their right to Equal Protection in the workplace as provided by the U.S. Constitution when they demoted and discharged the Plaintiffs, thereby compelling their constructive discharge. At no time did either Plaintiff resign. Plaintiffs, were treated differently under similar circumstances.

**26.**

The Defendants have failed to discipline, demote or discharge other employees who have engaged in similar behavior. Therefore, it is pretextual for the Fire Chief to claim Plaintiffs have violated the Section on conduct and ethics.

**COUNT THREE :**  
**INJUNCTION AND DECLARATORY RELIEF:**

**27.**

Plaintiffs repeat, reiterates and realleges each and every allegation contained herein above, as if fully set forth herein.

**28.**

This is an action for declaratory and injunctive relief and damages on behalf of Plaintiffs whose rights under the U.S. Constitution were violated by Defendants Fire Chief.

**29.**

The Court should issue a temporary restraining order, a preliminary injunction and a permanent injunction requiring the Plaintiff, Stacey Dellucky's reinstatement to the position and pay she held prior to being placed on administrative leave.

**MISCELLANEOUS**

**30.**

Plaintiff is entitled to punitive damages because Defendants acting through their agents and principals acted with reckless disregard for Plaintiffs' federally protected rights when Defendants disciplined and discharged Plaintiffs.

**31.**

Plaintiffs are entitled to compensatory and consequential damages for emotional distress, lost wages, back pay, front pay, mental distress, humiliation, damages, past and future.

**32.**

Plaintiffs are entitled to a trial by jury.

**33.**

Should Plaintiffs prevail, they are is entitled to an award of reasonable attorney fees, litigation expenses and all costs of court.

**PRAYER**

WHEREFORE, Plaintiffs pray for:

- a. Compensatory damages in a reasonable sum to be set by this Court, plus lost wages, past and future plus lost benefit and consequential damages from Defendants.

- b. Punitive damages as are appropriate in a reasonable sum to be set by this Court.
- c. Reasonable attorney's fees, together with costs and litigation expenses.
- d. For such other and further relief as to this Court may seem just and proper under the circumstances including judicial interest from date of demand,
- e. An order of restraint or injunction prohibiting the defendant from violating Plaintiffs rights under the First Amendment, Article VI, Paragraph 3, Due Process Clause and the Equal Protection Clause and from retaliating and to order the Defendant to reinstate Plaintiff Stacey Dellucky and to restore her wages to that equal to the status quo before being placed on leave and to amend The Section of the Defendant Fire Chief's code of conduct so that it is not vague.
- f. Adjudge and declare that the acts, policies, practices and procedures of defendants, Section complained of herein violated plaintiff's civil rights secured by federal law;
- g. Permanently enjoin defendants from taking any action in retaliation against plaintiffs for having filed a complaint and/or this lawsuit,
- h. Order defendants to make whole the plaintiffs by providing all relief requested in this complaint and provided by law plus judicial interest from date of judicial demand and
- i. They be granted a trial by jury.

Signed on May 17, 2021.

Respectfully submitted,  
/s/ Charlotte C. McDaniel  
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