

137. At all times relevant to this complaint, defendants Mayor Buttigieg, COSB, Walters, Hurley, Beachkofsky, Ross, Yearly, Toppel and Hall acted under color of state law.

138. The constitutional injury to Robert caused by Mayor Buttigieg who held final policymaking authority for the COSB and the SBPD.

WHEREFORE, because of foregoing, Robert demands judgment against the defendants, jointly and severally as follows:

a. An injunction enjoining the COSB to provide full explanation to any SBPO who is relieved of duty as to why said action taken and provide a due process mechanism that protects the officer's First Amendment speech rights under the due process clause of the Fourteenth Amendment to the United States Constitution.

b. Award Robert compensatory damages against defendants;

c. Award Robert an allowance for costs and disbursements incurred in the prosecution of this action, including reasonable attorney's fees;

d. Award Robert punitive damages against the individual defendants.

THIRD CAUSE OF ACTION-FEDERAL CLAIM

Plaintiff for his Third cause of action against defendants says:

Plaintiff hereby incorporates by reference the same as if fully set forth in full the fact allegations contained in Parts I-IV, paragraphs 1-138, inclusive, of this complaint.

139. Defendants, Mayor Buttigieg, COSB, Walters, Hurley, Beachkofsky, Ross, Yearly, Toppel and Hall created and perpetuated a hostile, harassing, racially discriminatory work environment for Robert in retaliation for him exercising his right of freedom of expression under the First Amendment to the United States Constitution by complaining about discriminatory and unfair treatment. (Ex. 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-9, 8-10)