

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

JUDGE SHARON INGRAM	*	CIVIL ACTION NO.
MARCHMAN	*	
Plaintiff	*	JUDGE
	*	
VERSUS	*	MAGISTRATE
	*	
BRIAN E. CRAWFORD;	*	JURY TRIAL DEMANDED
LAWRENCE W. PETTIETTE, JR.;	*	
JAMES D. "BUDDY" CALDWELL;	*	
JON K. GUICE;	*	
JUDGE CARL V. SHARP;	*	
JUDGE FREDERIC C. AMMAN;	*	
JUDGE J. WILSON RAMBO;	*	
JUDGE BENJAMIN JONES; and	*	
ALLYSON CAMPBELL	*	
Defendants	*	

COMPLAINT

The Complaint for Damages of Judge Sharon Ingram Marchman, a resident and domiciliary of the Parish of Ouachita, State of Louisiana, respectfully represents as follows:

JURISDICTION AND VENUE

1.

This litigation arises under 42 U.S.C. §§ 1983 and 1985 and the First and Fourteenth Amendments to the Constitution of the United States. Accordingly, this Court has subject matter jurisdiction over this lawsuit and the claims asserted herein pursuant to 28 U.S.C. §1331 and 1343.

2.

Judge Marchman's claim for attorney's fees and costs is authorized by 42 U.S.C. § 1988 and grounds of equity. No administrative claim filing or other pre-litigation requirements apply to her claims against Defendants under 42 U.S.C. § 1983 nor for the other relief sought against Defendants.

3.

Judge Marchman's claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general legal and equitable powers of this Court.

4.

Venue is proper in the United States District Court for the Western District of Louisiana pursuant to 28 U.S.C. § 1391(b)(2) as the events or omissions giving rise to the claims asserted herein occurred in this judicial district and § 1391(b)(1) as nearly all defendants reside in this district, and all defendants reside in this State.

PARTIES

5.

A. Plaintiff, Judge Sharon Ingram Marchman, is an individual of the full age of majority and a resident and domiciliary of the Parish of Ouachita, State of Louisiana, and at all pertinent times was a duly-elected judge of the Fourth Judicial District Court ("Fourth JDC") for the Parishes of Morehouse and Ouachita.

B. Defendant Brian E. Crawford is an individual of the full age of majority and a resident and domiciliary of the Parish of Ouachita, State of Louisiana, and at all pertinent times was acting under color of law as a representative and attorney for Defendant Campbell.

C. Defendant Lawrence W. Pettiette, Jr., is an individual of the full age of majority and a resident and domiciliary of the Parish of Caddo, State of Louisiana, and at all pertinent times was acting under color of law as Special Assistant Attorney General appointed to represent Defendant Campbell.

D. Defendant James D. "Buddy" Caldwell is an individual of the full age of majority and a resident and domiciliary of the Parish of Madison, State of Louisiana, and at all pertinent times was representing Defendant Campbell under color of law in his capacity as Attorney General of the State of Louisiana.

E. Defendant Jon K. Guice is an individual of the full age of majority and a resident and domiciliary of the Parish of Ouachita, State of Louisiana, and at all pertinent times was acting under color of law as a representative and attorney for Defendant Judges Sharp, Jones, Rambo, and Amman.

F. Defendant Judge Carl V. Sharp is an individual of the full age of majority and a resident and domiciliary of the Parish of Ouachita, State of Louisiana, and at all pertinent times was employed as a duly-elected judge of the Fourth JDC and was acting under color of law but in an administrative capacity and is therefore not entitled to judicial immunity for the claims asserted herein.

G. Judge Frederic C. Amman is an individual of the full age of majority and a resident and domiciliary of the Parish of Ouachita, State of Louisiana, and at all pertinent times was employed as a duly-elected judge of the Fourth JDC and was acting under color of law but in an administrative capacity and is therefore not entitled to judicial immunity for the claims asserted herein.

H. Defendant Judge J. Wilson Rambo is an individual of the full age of majority and a resident and domiciliary of the Parish of Ouachita, State of Louisiana, and at all pertinent times was employed as a duly-elected judge of the Fourth JDC and was acting under color of law but in an administrative capacity and is therefore not entitled to judicial immunity for the claims asserted herein.

I. Defendant Judge Benjamin Jones is an individual of the full age of majority and a resident and domiciliary of the Parish of Ouachita, State of Louisiana, and at all pertinent times was employed first as a duly-elected judge of the Fourth JDC and later as the Court Administrator of the Fourth JDC and was acting under color of law but in an administrative capacity and is therefore not entitled to judicial immunity for the claims asserted herein.

J. Defendant Allyson Campbell is an individual of the full age of majority and a resident and domiciliary of the Parish of Ouachita, State of Louisiana, and at all pertinent times was acting under color of law as a non-attorney law clerk for the Fourth JDC.

6.

Judges Sharp, Jones, Rambo, and Amman (hereinafter referred to as “Defendant Judges”) along with Defendants Pettiette and Caldwell are all being sued in their official capacities.

INTRODUCTION

7.

This matter arises from Judge Marchman’s attempts to have Defendant Judges end their cover-up of Defendant Campbell’s history of wrongdoing as well as Judge Marchman’s attempts to expose Campbell’s actions and the cover-up of same.

8.

Defendant Judges and Campbell have been engaged in concerted action and a conspiracy to hide the fact that Campbell has committed payroll fraud and has destroyed or concealed court documents. They have also conspired to conceal the fact that they have intentionally withheld information and production of documents from authorities and persons making public records requests.

9.

Defendant Judges, who were acting under color of law, retaliated against Judge Marchman who was opposed to their plan to continue their long-time protection of Defendant Campbell, who had been supervised directly by Judges Rambo, Sharp, and Amman during the pertinent times.

10.

Defendant Judges' acts of retaliation included, but were not limited to, threatening, intimidating, coercing, ridiculing, taunting, harassing, alienating, and making false accusations of wrongdoing against Judge Marchman. They also prevented her from performing her duties as the chair of the personnel committee which resulted in her being forced to resign the position which she had held since approximately 2005.

11.

Defendant Judges were acting in an administrative capacity at all pertinent times; therefore, they are not entitled to judicial immunity.

12.

Defendant Guice, counsel for Defendant Judges, conspired with and assisted Defendant Judges in their continued concealment of Campbell's actions and in their retaliation against Judge Marchman. As counsel for Defendant Judges, Guice was acting under color of law.

13.

Defendant Guice also conspired with Defendants Campbell and her counsel by assisting in filing false pleadings wrongfully accusing Judge Marchman of illegal acts. Moreover, such false pleadings were aided by Campbell's sworn affidavit testimony which contradicted prior correspondence she had written. As counsel for Defendant Judges, Guice was acting under color of law.

14.

Defendant Campbell conspired with Defendant Judges to retaliate against Judge Marchman for trying to expose Campbell's history of payroll fraud and document destruction. As a law clerk for the Fourth JDC, Campbell was acting under color of law.

15.

Defendant Campbell also retaliated against Judge Marchman by publicly accusing her in pleadings of wrongful and illegal acts in an effort to discredit her and conceal Campbell's history of payroll fraud and document destruction and/or concealment. As a law clerk for the Fourth JDC, Campbell was acting under color of law.

16.

Defendants Crawford, Pettiette, and Caldwell conspired with and assisted Campbell in her retaliation against Judge Marchman and submitted the pleadings in which she was accused of committing wrongful and illegal acts. As counsel for Campbell, these three defendants were also acting under color of law.

17.

Moreover, Pettiette was acting as Special Assistant Attorney General and Caldwell was acting as the Attorney General for the State of Louisiana; therefore, they were acting under color of law. This gave pleadings they filed on behalf of Campbell in the matter of *Palowsky v. Campbell*¹ which disparaged and falsely accused Judge Marchman of illegal acts an air of legitimacy. Further, the Attorney General apparently assumed the defense of Campbell in civil litigation without ever properly conducting an investigation to determine whether she was free from criminal conduct as required by La. R.S. 13:5108.1.

**CHRONOLOGY OF EVENTS RELATED TO
AND GIVING RISE TO JUDGE MARCHMAN'S CAUSES OF ACTION**

18.

As far back as 2010, Defendant Campbell had an issue with absenteeism from work. When another law clerk reported Campbell's attendance issue to Judge Marchman, who had been a duly-elected judge since 2000 and was chair of the personnel committee at the time, she discussed this with Defendant Judges Rambo and Amman, for whom Campbell worked at the time. Judges Rambo and Amman said they had no complaints about Campbell's work, and they said they could find her when they needed her. Judge Marchman had to remind them, though, that the Court's policy was that employees were only allowed to work from the courthouse, not from home or any other location.

19.

¹ *Palowsky v. Campbell*, 4th JDC Docket No. 15-2179, which was filed on July 22, 2015.

Upon information and belief, in 2012 Cody Rials, a Monroe attorney, complained to Defendant Judge Sharp that his law clerk, Campbell, had shredded Mr. Rials' proposed judgment in a case that was pending before Judge Sharp.

20.

Upon information and belief, an investigation of Campbell's reported conduct was undertaken by Defendant Judge Sharp who interviewed an eyewitness who confirmed that Campbell bragged to him in a local bar that she had destroyed Mr. Rials' court document.

21.

Nevertheless, Judge Sharp, who found the eyewitness to be credible, conducted no further investigation and did not pursue the matter. Instead, Judge Sharp merely advised Mr. Rials that he found his complaints and concerns to be reasonable, and he then reportedly removed Campbell from any matters in which Mr. Rials was involved.

22.

While Defendant Judge Rambo was aware of this situation at the time, Judge Marchman, who was still head of the personnel committee, was not made aware of it.

23.

On July 2, 2013, Stanley R. Palowsky, III, filed in the Fourth JDC suit number 13-2059 against W. Brandon Cork, his former business partner in Alternative Environmental Solutions, Inc. ("AESI"), and other defendants as a result of their theft, fraud, and racketeering. This matter was assigned to Defendant Judge Rambo.

24.

On April 1, 2014, Laura Hartt, the judicial administrator at the time, was told by an individual with the Ouachita Parish Police Jury that he could run “key fob” reports which would indicate when employees entered and exited the building. Mrs. Hartt reported this to Judge Marchman who obtained authorization from the chief judge to investigate the key fob reports and corroborating video footage.

25.

Subsequently, there was a review of Defendant Campbell’s hours for the first quarter of 2014. Said review showed that on seven different days, Defendant Campbell reported that she had worked seven hours even though the key fob reports and video footage showed that she had not entered the courthouse on any of those days. Defendant Judges Rambo and Amman had been approving Campbell’s false timesheets for payment during the pertinent times.

26.

This issue was then discussed, and Mrs. Hartt researched the crime of payroll fraud, which is defined in La. R.S. 14:138. Mrs. Hartt also researched whether the compensation of a public employee for unworked time amounts to a prohibited donation of public goods in violation of La. Const. Art. VII, § 14 (1974). Mrs. Hartt’s research led her to conclude that it is illegal for a public employee to be paid for time not worked.

27.

Subsequently, there were several meetings of the judges in which the subject of payroll fraud was discussed, and it was understood at that time that an employee’s not being at work when reported was payroll fraud.

28.

On April 15, 2014, Defendant Guice raised to Mrs. Hartt the issue of whether the court met the definition of an “auditee” for purposes of La. R.S. 24:523, which requires an “agency head of an auditee who has actual knowledge of any misappropriation of the public funds” to “immediately notify, in writing, the legislative auditor and the district attorney” of such misappropriation. Nevertheless, the court never reported any payroll fraud to the legislative auditor or the district attorney.

29.

Thereafter, the judges approved new measures to be implemented to prevent payroll fraud while they continued their investigation.

30.

Beginning on April 22, 2014, all law clerks were required to sign in and out each time they entered or left the building. Notably, shortly after the new rule’s implementation, Campbell refused to comply and falsified her sign-in sheet.

31.

On April 24, 2014, the judges had a meeting and agreed *en banc* to remove Campbell from the position of “senior law clerk,” to terminate her stipend, and to suspend her for one month without pay. Campbell was then given a warning and reprimand regarding not only her attendance, but also her behavior during meetings with the human resources department.

32.

While Campbell was serving her suspension during May, 52 files which had required Defendant Campbell’s attention were found underneath a couch in her office. These files were post-conviction relief applications (“PCRs”) which had been given to her by Defendant Judge Sharp to address. The oldest PCR was dated November 2, 2011. When questioned as to why the

PCRs were sitting in her office, Campbell had no explanation. It was discovered later that Defendant Campbell had given the employee who found the 52 applications a \$200 gift card.

33.

While Judge Marchman, as chair of the personnel committee, would have been the one to investigate the PCR and gift card issues, she had heard that Campbell was actively seeking someone to oppose her in the upcoming fall election. Therefore, on June 17, 2014, Judge Marchman notified Chief Judge Wendell Manning that she voluntarily recused herself from the pending personnel matters involving Campbell. Defendant Judge Jones was then assigned to investigate the issue of the 52 PCR applications and the gift card.

34.

Thereafter, on July 8, 2014, Defendant Judge Jones discussed the issues of the 52 PCR applications and the related gift card at a personnel committee meeting, but no remedial action was taken against Campbell.

35.

On August 10, 2014, Campbell, who in addition to working as a law clerk held a part-time position as a society columnist, published a piece in *The News-Star* entitled “A modern guide to handle your scandal” in which she declared that “half the fun is getting there, and the other half is in the fix. . . .” She went on to advise her readers as follows:

[F]or the more adventurous among us, keep the crowd guessing. Send it out – lies, half truths, gorilla dust, whatever you’ve got. . . . [Y]ou are on the receiving end of one of the highest forms of flattery, as we always say “you’re no one until someone is out to get you.” That special somebody cared enough to try and blacken your reputation and went and turned you into a household name? Bravo. You’re doing something right.

Campbell then added that while she had never been involved in a scandal which scored higher than a “Krystle/Alexis fountain fight” on her own scandal “scale,” she had “c[o]me very close a spring or two ago.”

36.

Upon information and belief, when Mr. Rials read Campbell’s “scandal” column, he believed that she was goading him with the fact that she had gotten away with shredding his judgment two years earlier; therefore, he emailed a court employee the next day to again complain about Campbell’s actions. Mr. Rials’ email was given to Mrs. Hartt who in turn gave it to Judge Marchman. This marked the first time Judge Marchman had heard of this incident. Judge Marchman then turned the matter over to the chief judge who ordered Mr. Rials to reduce his complaint to writing, which he did.

37.

The issue of Campbell’s shredding Mr. Rials’ judgment was once again investigated, and even though Defendant Judges Sharp and Jones were told by an eyewitness that Campbell told him directly that she had taken great pleasure in shredding Rials’ judgment and that she had given Rials a “legal ----ing,” the investigation was closed without any action being taken against Campbell.

38.

On August 13, 2014, Sedric Banks, then-counsel for Palowsky’s corporation, AESI, met with Mrs. Hartt about his complaint that Defendant Judge Rambo had not yet ruled on a motion which had been pending for some time, that multiple pleadings filed between January 13 and August 13 were missing in the matter of *Palowsky v. Cork*, and that information was being

withheld from Defendant Judge Rambo. Mr. Banks also questioned Mrs. Hartt about the actions of Campbell in the 2012 Rials complaint.

39.

Defendant Judge Rambo discussed this new Campbell matter during a personnel committee meeting, but he stated that he had no concerns with Campbell's work on Palowsky's case. He also said that no documents were missing from the record even though Palowsky's counsel's investigation proved that documents had been removed and are still missing.

40.

Mrs. Hartt was then directed to write to Mr. Banks, which she did on September 11, and tell him that the reason some pleadings did not make their way to Judge Rambo was because of a new filing system in the clerk of court's office.

41.

On September 12, 2014, there was an *en banc* meeting which Judge Marchman did not attend but of which she did listen to audio recordings. During that meeting, Defendant Judge Jones talked about putting a reprimand letter in Campbell's file about the 52 missing PCRs which were discovered in her office during her suspension. There was also dialogue about complaints by "two local attorneys" that Campbell had shredded or withheld their documents from the judge who should have received them. It was stated that in one case, the clerk of court's filing procedure was to blame. It was also discussed that no further action would be taken against Campbell besides placing a reprimand letter about the 52 PCR applications in her file. Judge Jones also recommended that Campbell be counseled about the content of her articles in *The News-Star* each week. It was noted that Judge Marchman would vote by proxy to terminate Campbell.

42.

On September 22, 2014, Mr. Banks wrote to Mrs. Hartt and asked why the “investigation” into the missing pleadings in the Palowsky case merely consisted of Defendant Judge Rambo’s being asked what had happened. He also asked why the clerk of court’s new filing procedure was just discovered at that time. Moreover, he continued to press for an explanation as to what had happened to sealed evidence of criminal activity which had been picked up by someone from Judge Rambo’s office but which still had not been seen by Judge Rambo weeks later.

43.

On October 23, 2014, Palowsky filed a motion to recuse Judge Sharp from presiding over his litigation. Judge Sharp later granted the motion.

44.

On November 3, 2014, Defendant Campbell emailed Judge Sharp and asked him to state that Mr. Rials’ 2012 allegations against her were unfounded. He responded that he was the only member of the court who had looked into the allegations, and he had found that no misconduct was “indicated,” which contradicts his November 28, 2012 letter to Mr. Rials in which he stated that Mr. Rials’ concern was reasonable. Regardless, Judge Sharp’s response was apparently not sufficient for Campbell because a few minutes later, at her request, he supplemented his earlier email and specified that she had never shredded anything.

45.

On December 30, 2014, there was a specially-called judges’ meeting in which it was debated how to respond to the legislative auditor’s finding that some employees had been paid for time that had not been worked.

46.

On December 31, 2014, Defendant Judge Jones retired from the bench, and on March 2, 2015, Judge Jones began working as the Court Administrator. He took over from Laura Hartt who had resigned.

47.

From February 11 to March 10, 2015, Johnny Gunter of *The Ouachita Citizen* sent a series of public records requests to the court requesting certain records pertaining to Campbell, including personnel records and time sheets. The court, claiming that a public employee's right to privacy was at issue, responded by producing only part of the requested documents.

48.

On March 3, 2015, *The News-Star* reported that the Louisiana Legislative Auditor had issued a report indicating that some Fourth JDC employees might have been paid for hours which had not been worked. It was later confirmed by her counsel in a hearing that Defendant Campbell was the only subject of the Auditor's report on suspected payroll fraud.

49.

On March 13, 2015, there was a meeting of the judges in which Judge Marchman moved to terminate Campbell due to the significant amount of resources which were being devoted to handling public records requests related to Campbell, but no one seconded the motion. Defendant Judge Amman then screamed at Judge Marchman that she only wanted to fire Campbell because of what was being written about Campbell in the newspapers.

50.

Also at that meeting, the court's responses to the public records requests from *The Ouachita Citizen* were discussed. Defendant Judge Jones advised that just prior to the meeting, Campbell had given him a folder containing three documents. These three documents contained outright

accusations and thinly-veiled threats against Judge Marchman. She also wrote about how Defendant Judge Rambo told the attorneys in *Palowsky v. Cork* that she had never worked on that case, and that no pleadings were missing from that record.² This March 13 meeting was the first time Judge Marchman had seen these documents.

51.

On March 20, 2015, Johnny Gunter filed a criminal complaint against the court for its refusal to fully comply with the public records requests from *The Ouachita Citizen*. An emergency meeting of the judges was then called as a result thereof. While Judge Marchman was not present, she did review an audio recording of the meeting in which it was discussed that the district attorney was “hot” about the complaint. Thus, Judge H. Stephens Winters decided to file a petition for declaratory judgment against *The Ouachita Citizen*,³ which he did that same day, to avoid any adverse investigation by the district attorney and to appear to the public as if the court were taking “the high road.” Therein, the court argued that Campbell’s right to privacy with regard to her employment file was stronger than the public’s right to know if its tax funds were being used to pay someone who was accused of committing payroll fraud.

52.

During a meeting on April 14, 2015, the judges discussed which documents should be produced to the *ad hoc* judge presiding over the court’s declaratory judgment action. Judges Winters and Jones were adamant that they would only produce the Rials letter and an outside consultant’s report, but Judge Marchman disagreed and urged them to produce all the documents in their possession related to Campbell. At that time, Defendant Judge Jones, referring to an

² Subsequently, Campbell signed an affidavit contradicting her statement that she had never worked on the *Palowsky* case in order to obtain consideration of judicial immunity, which she was given.

³ *Winters v. Hanna Media, Inc.*, 4th JDC Docket No.15-0770.

upcoming May 19 hearing, told Judge Marchman and the other judges, “There will be no testimony. Testimony will not be good for us.”

53.

On April 30, 2015, Judge Marchman wrote to Judge Winters and urged him to reconsider his position to only produce certain documents relating to Campbell to the *ad hoc* judge hearing the court’s declaratory judgment action on May 19. She repeated her request that he produce **all** documents to the judge for review.

54.

On May 15, 2015, Judge Marchman was called to a meeting with Defendants Guice and Judge Jones, along with Judge Winters, to discuss the document production in the *Ouachita Citizen* action. Judge Marchman reiterated that she thought **all** documents should be produced.

55.

During the May 19 hearing on the court’s declaratory judgment, at which there was no testimony, counsel for Campbell⁴ and Defendant Guice argued vehemently that documents showing the discipline of a public employee are part of that employee’s personnel file and are related to the management of an employee. It was confirmed on the record that Campbell was the only employee implicated by Mr. Gunter’s requests, so Defendant Guice and Campbell’s counsel took the position they did to keep Mr. Rials’ complaint and any other documents evidencing her wrongdoing private, not to keep any other employee’s records private.

56.

Defendant Judges’ counsel and Campbell’s counsel also argued to the *ad hoc* judge that there were no eyewitnesses to Campbell’s document destruction even though they knew full well

⁴ Campbell was represented by Steven M. Oxenhander in that proceeding.

that was not the case. Defendant Guice specifically argued that there were only rumors and accusations about document destruction.

57.

The *ad hoc* judge eventually ruled that the Court had properly responded to the newspaper's public records request.

58.

On July 22, 2015, Judges Winters and Jones met with Judge Marchman and pressured her to recuse herself from the investigation of a certain employee who had requested her recusal. They did this without providing any reason that she should recuse herself, and when Judge Marchman requested a reason, they refused to give her one. Judge Marchman explained that until she knew the reason for the requested recusal, she could not make a decision whether to recuse.

59.

It was now abundantly clear to Judge Marchman that she was being prohibited from doing her job as the chair of the personnel committee. She had to get permission from the chief judge or Defendant Jones for anything she needed to do, though in her previous years as chair, she had been trusted to do her job. In short, she was not allowed to do anything without Defendant Judge Jones' involvement, and he became the *de facto* head of the personnel committee.

60.

On July 27, 2015, Judge Marchman resigned as chair and member of the personnel committee due to Defendant Judges' actions of concealing existing problems from her and the personnel committee and avoiding discovering and addressing any potential problems.

61.

During this time period, Defendant Judges' hostile and demeaning treatment of Judge Marchman continued. For example, the situation with Defendant Campbell was referred to as being a "cat fight" between Judge Marchman and Campbell.

62.

On August 10, 2015, Defendant Judge Sharp accused Judge Marchman of leaking information to Palowsky, which she did not do. She informed Judge Sharp that she was the only one keeping information confidential.

63.

On August 17, 2015, Palowsky had Defendant Judges Sharp and Jones as well as Judges Winters and Marchman served with subpoenas duces tecum to produce documents regarding the investigation of Defendant Campbell at an upcoming hearing on a motion to recuse *en banc* he had filed in the *Cork* matter.

64.

On August 18, 2015, Defendant Guice filed a motion to quash the subpoenas which Palowsky had served on Judges Sharp, Jones, and Winters; however, Guice drafted a very broad proposed order to go with the motion that would have arguably encompassed the subpoena to Judge Marchman even though she had not sought relief from same.

65.

On August 19, 2015, Judge Marchman had an encounter in the breakroom with Judge Sharp. He mentioned that he had come by her office the day before because he wanted to talk to her, but that she had not been there. He then proceeded to initiate an *ex parte* conversation about the subpoenas duces tecum. Judge Sharp told Judge Marchman that he granted the motion to quash because Defendant Judge Jones said he had to do so.

66.

They then discussed the applicability of the order as to her subpoena. She explained that she had not asked for any relief. He noted that Defendants Jones and Guice drafted the motion and order and gave it to him to sign. When Judge Marchman read the motion and order to Judge Sharp, he agreed that it did not apply to her since she had not sought any relief and that the order quashing the subpoena duces tecum specifically did not apply to her.

67.

On August 20, 2015, Defendant Judge Sharp presided over Palowsky's motion to recuse the entire bench from the *Cork* matter. At the end of that hearing, Judge Marchman spoke up to make her return on the subpoena duces tecum issued to her. After a discussion on the record during which Defendant Judge Sharp spoke to Judge Marchman in a threatening tone and accused her of misinterpreting or "misremember[ing]" what he had said the day before, Judge Sharp stated as follows: "Comply with the subpoena if you wish. Give it to the litigants." Judge Marchman then questioned the directive to give her documents to the litigants, and Judge Sharp told her to give the documents to counsel for Palowsky and told the attorney to "do with it what you will." At that point, Defendant Guice, Defendant Judge Sharp's counsel in the *Palowsky v. Campbell* matter, quickly approached the bench and had a discussion off the record with his client, and the hearing was terminated.

68.

On or about September 2, 2015, Defendant Judge Sharp went to Judge Marchman's office and asked if she would be at the *en banc* meeting on September 4. She said yes, and he then stated that he intended to move to have her admonished. He then asked if she wanted to know why, and when she said yes, he replied that she knew why and stormed out of her office. Upon further

questioning by Judge Marchman, Judge Sharp said that it was for “that little stunt [she] pulled in [his] courtroom the other day.”

69.

Around September 3, 2015, Defendant Rambo glared at her, refused to speak to her, and walked into Judge Marchman as he was getting off the elevator. The physical contact was done intentionally.

70.

On September 4, 2015, Sharp had a “confidential” matter on the agenda for the *en banc* meeting, but he said he had to do more research before taking it up. This was his motion to admonish Judge Marchman.

71.

On November 2, 2015, Defendant Campbell and her counsel, Defendants Crawford, Pettiette, and Caldwell, filed pleadings in the *Campbell* matter in which they accused Judge Marchman of improperly disclosing information about Campbell, committing illegal acts, and having a “vendetta” against Campbell. Campbell’s statements include the following:

Mr. Palowsky attempts to circumvent a Fourth Judicial District Court judgment regarding this information through testimony of Judge Sharon Marchman, a close personal friend of Mr. Palowsky’s family for over twenty-five years and the family’s attorney for thirteen years, prior to her election as a Fourth Judicial District judge.

72.

In another pleading, Campbell and her counsel claimed that

What we have here is a personal vendetta of Judge Marchman against Ms. Campbell and the defendant Judges, with Mr. Palowsky and his attorneys (who also have a long professional history with Judge Marchman) providing the vehicle for this public and indecent airing of disagreements.

73.

Campbell and her counsel also declared that Palowsky “has decided, again, that he – and Judge Marchman – have the right to circumvent Judge Simon’s ruling and publicly disseminate private public employee information.” Campbell also stated that since Judge Simon ruled that *The Ouachita Citizen* was not entitled to obtain certain documents from her personnel file, “Mr. Palowsky and Judge Marchman obviously decided to devise another route to disclose said information.”

74.

Campbell and her counsel also proclaimed as follows:

Judge Marchman . . . has disclosed this information to Mr. Palowsky and his attorneys in direct contravention of Judge Simon’s judgment in favor of this Court and Ms. Campbell’s right to privacy. Sadly and stunningly, a Fourth Judicial District Court Judge has circumvented a colleague’s final ruling in favor of the Fourth Judicial District Court.

75.

In yet another pleading, Campbell made the following accusations and statements:

[B]ecause of Mr. Palowsky’s outrageously redundant, immaterial, impertinent and/or scandalous allegations, we are confronted with truly exceptional circumstances requiring drastic remedial action by the Court. We are dealing with unprecedented pleadings and now a tragic situation in which a Fourth Judicial District Judge has released judicially declared privileged and confidential information to plaintiff. This action by Judge Sharon Marchman has apparently been taken to advance disagreements with her colleagues in the Fourth Judicial District Court.

Through the disclosure of this confidential, impertinent and scandalous information,⁵ of which they have no right to be in possession, Mr. Palowsky and his attorneys are trying to ruin the personal and professional reputations of a law clerk and numerous Fourth Judicial District Judges.

76.

⁵ Note that Campbell does not call the information untrue or inaccurate.

In a different pleading, Campbell and her counsel referred to “another blatant disclosure of confidential and privileged employment records and information” and an “intentional breach of Allyson Campbell’s, and the Court’s, private and privileged information.”

77.

The allegations that Judge Marchman “illegally” disclosed Campbell’s personnel records have absolutely no merit whatsoever. Judge Marchman’s only disclosure was in response to a valid subpoena duces tecum.

78.

Upon information and belief, Defendant Guice, counsel for Defendant Judges, was working with Campbell’s attorney on the above-quoted pleadings. Even though he had full knowledge that the allegations were not true because he was in the courtroom when his own client ordered Judge Marchman to “comply with the subpoena” and to give the documents to Palowsky’s counsel, Guice encouraged and worked with Defendant Judges’ counsel to make these false allegations against Judge Marchman. Significantly, this meant that Defendant Guice was representing Defendant Judges adversely to Judge Marchman on issues on which he had previously provided her with representation.

79.

On December 4, 2015, during the court’s monthly *en banc* meeting, Defendant Judge Amman moved to require *en banc* approval for all videos and photographs taken in the courthouse. The motion passed as modified to require approval by the chief judge only. This motion was made by Judge Amman shortly after several positive news articles with photographs of Judge Marchman were published. Judge Amman’s motion was designed to retaliate against Judge Marchman and to keep her from having any positive press.

80.

On January 29, 2016, Chief Judge Winters sent an email to Defendant Judge Sharp and another judge, and he asked them to please add Judge Marchman to their contact lists and to let her know when committee meetings were called.

81.

On January 31, 2016, Defendant Judge Sharp replied to Judge Winters and said that he was not willing to notify Judge Marchman of meetings and that he would not serve on any committees with her. The purpose of Judge Sharp's email, which was sent not only to other judges but also to court staff members, was to undermine Judge Marchman's authority and standing as a duly-elected judge.

EFFECTS OF DEFENDANTS' ACTIONS

82.

Simply because Judge Marchman tried to do the right thing and stop the cover-up of Campbell's payroll fraud and document destruction, Defendant Judges and Campbell, in concert with their counsel, turned her into a virtual pariah at the courthouse. They have singled her out for disparate treatment, and she has become extremely uncomfortable in her place of work. Not only is she ignored on a personal level, she is ignored professionally as well.

83.

Moreover, Defendant Judges constructively forced her out of her position as chair of the personnel committee. Throughout her years in that position, Judge Marchman had been able to serve as the voice for diligent employees and to uphold the high standards required of the judiciary and its employees. Judge Marchman's motivation to appropriately handle certain personnel situations stemmed from her experiences of watching morale be destroyed when employees who

wanted to do well and who showed up for work regularly were not rewarded while others who did not were.

84.

Further, acting under color of law, Defendant Campbell and her counsel, including the former Attorney General, in concert with Defendant Guice publicly accused her of illegally disclosing documents even though Defendant Judge Sharp ordered her to produce the documents at issue.

85.

Judge Marchman is aware that she is now being disparaged in the courthouse and in the community, that her standing in the courthouse and in the community has been diminished, and that her reputation has been damaged by the reckless and untrue allegations made by Campbell and her counsel.

86.

Defendants have tried to undermine Judge Marchman's authority in the eyes of the public. Judge Marchman's rights and privileges which are normally afforded to an elected official have been diminished, and Defendants' actions have had a disparate impact on her as a duly-elected official.

87.

Canon 1 of the Code of Judicial Conduct provides as follows:

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

88.

While Judge Marchman is trying to discharge the duties set forth in Canon 1 and demonstrate integrity, independence, and a high standard of conduct, Defendants are taking actions in an attempt to keep her from discharging these very duties.

89.

Canon 2 of the Code of Judicial Conduct provides in pertinent part that a judge “shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”

90.

Again, Judge Marchman is trying to discharge the duties set forth in Canon 2 and respect and comply with the law, but Defendants are taking actions in an attempt to keep her from doing same, and moreover they are retaliating against her.

91.

Canon 3(B) of the Code of Judicial Conduct provides in part:

- (1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.
- (2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties. . . .

92.

Pursuant to Canon 3, Judge Marchman is certainly trying to diligently discharge her administrative duties and hold staff to the same standards of fidelity to which she is held; however, Defendants have undertaken acts designed to interfere with Judge Marchman’s ability to discharge her duties.

93.

Despite Defendants' best efforts, though, and despite the damages which she has suffered through the violations of her civil rights, Judge Marchman continues to perform her functions as a duly-elected official.

FIRST CLAIM FOR RELIEF

**42 U.S.C. § 1983 Claim for
Violation of the First Amendment Right to Free Speech**

94.

Judge Marchman reavers and realleges all the allegations in the paragraphs above as if set forth herein *in extenso*.

95.

Pursuant to 42 U.S.C. § 1983, Judge Marchman seeks relief for Defendants' violations of her First Amendment right to free speech by retaliating against her when she tried to stop the cover-up of Defendant Campbell's payroll fraud and document destruction and when she tried to rightfully expose same.

96.

Defendants' retaliation against Judge Marchman penalizes her for exercising her right to free speech and chills same.

SECOND CLAIM FOR RELIEF

**42 U.S.C. § 1985 Claim for
Violation of the First Amendment Right to Free Speech**

97.

Judge Marchman reavers and realleges all the allegations in the paragraphs above as if set forth herein *in extenso*.

98.

Pursuant to 42 U.S.C. § 1985, Judge Marchman seeks relief for Defendants' conspiracy to violate her First Amendment right to free speech by retaliating against her when she tried to end the cover-up of Defendant Campbell's payroll fraud and document destruction and when she tried to rightfully expose same.

99.

Defendants' conspiracy to retaliate against Judge Marchman penalizes her for exercising her right to free speech and chills same.

THIRD CLAIM FOR RELIEF

**42 U.S.C. § 1983 Claims for
Violation of the Fourteenth Amendment Right to Equal Protection**

100.

Judge Marchman reavers and realleges all the allegations in the paragraphs above as if set forth herein *in extenso*.

101.

Pursuant to 42 U.S.C. § 1983, Judge Marchman seeks relief for Defendants' violations of her Fourteenth Amendment right to equal protection by singling her out for unfavorable treatment without adequate justification.

102.

Pursuant to 42 U.S.C. § 1983, Judge Marchman seeks relief for Defendants' violations of her Fourteenth Amendment right to equal protection by creating a hostile work environment.

FOURTH CLAIM FOR RELIEF

**42 U.S.C. § 1985 Claims for
Violation of the Fourteenth Amendment Right to Equal Protection**

103.

Judge Marchman reavers and realleges all the allegations in the paragraphs above as if set forth herein *in extenso*.

104.

Pursuant to 42 U.S.C. § 1985, Judge Marchman seeks relief for Defendants' conspiracy to violate her Fourteenth Amendment right to equal protection by singling her out for unfavorable treatment without adequate justification.

105.

Pursuant to 42 U.S.C. § 1985, Judge Marchman seeks relief for Defendants' conspiracy to violate her Fourteenth Amendment right to equal protection by creating a hostile work environment.

FIFTH CLAIM FOR RELIEF

**42 U.S.C. § 1983 Claim for Injunctive Relief to Prevent
Violations of the First Amendment Right to Free Speech**

106.

Judge Marchman reavers and realleges all the allegations in the paragraphs above as if set forth herein *in extenso*.

107.

Pursuant to 28 U.S.C. §§ 2201 – 2202 and 42 U.S.C. § 1983, Judge Marchman seeks injunctive relief to prevent Defendants' ongoing violations of her First Amendment right to free speech.

SIXTH CLAIM FOR RELIEF

42 U.S.C. § 1983 Claim for Injunctive Relief to Prevent Violations of the Fourteenth Amendment Right to Equal Protection

108.

Judge Marchman reavers and realleges all the allegations in the paragraphs above as if set forth herein *in extenso*.

109.

Pursuant to 28 U.S.C. §§ 2201 – 2202 and 42 U.S.C. § 1983, Judge Marchman seeks injunctive relief to prevent Defendants' ongoing violations of her Fourteenth Amendment right to equal protection.

SEVENTH CLAIM FOR RELIEF

42 U.S.C. § 1983 Claim for Declaratory Judgment that Her First Amendment Right to Free Speech Was Violated

110.

Judge Marchman reavers and realleges all the allegations in the paragraphs above as if set forth herein *in extenso*.

111.

Pursuant to 28 U.S.C. §§ 2201 – 2202 and 42 U.S.C. § 1983, Judge Marchman seeks a declaratory judgment finding that Defendants violated her First Amendment right to free speech.

EIGHTH CLAIM FOR RELIEF

42 U.S.C. § 1983 Claim for Declaratory Judgment that Her Fourteenth Amendment Right to Equal Protection Was Violated

112.

Judge Marchman reavers and realleges all the allegations in the paragraphs above as if set forth herein *in extenso*.

113.

Pursuant to 28 U.S.C. §§ 2201 – 2202 and 42 U.S.C. § 1983, Judge Marchman seeks a declaratory judgment finding that Defendants violated her Fourteenth Amendment right to equal protection.

NINTH CLAIM FOR RELIEF

42 U.S.C. § 1988 Claim for Attorney Fees and Costs

114.

Judge Marchman reavers and realleges all the allegations in the paragraphs above as if set forth herein *in extenso*.

115.

Pursuant to 42 U.S.C. § 1988, Judge Marchman seeks an award of all her attorney fees and costs of suit.

DAMAGES

116.

As a direct consequence of Defendants' acts and/or omissions, Defendants are liable to Judge Marchman for all damages she has incurred including, but not limited to, damages for the mental anguish and emotional distress caused by Defendants' violations of and conspiracy to violate her Constitutionally-protected rights to free speech and equal protection, damages for the injury to her reputation, statutory damages, general damages, attorney's fees and other litigation costs pursuant to 42 U.S.C. § 1988, and judicial interest from the date of demand.

JURY DEMAND

117.

Judge Marchman hereby requests a trial by jury on all issues so triable.

WHEREFORE, Plaintiff, Judge Sharon Ingram Marchman, prays that Defendants be cited and served with a copy of this Complaint as required by law, and that after all legal delays and due proceedings are had, there be judgment rendered in Plaintiff's favor and against said Defendants for monetary damages, declaratory and injunctive relief as stated above, for attorney's fees and other litigation-related costs as allowed by law under 42 U.S.C. § 1988, for pre- and post-judgment interest at the highest rate permitted by law, and for all other just and equitable relief as the Court may deem proper. Plaintiff further prays for a trial by jury on all issues so triable.

Respectfully submitted:

/s/ Joseph R. Ward, Jr.

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