

COMMONWEALTH OF KENTUCKY
WOODFORD CIRCUIT COURT
DIVISION _____
CASE NO. _____

DAVID K. SHEEKS

PLAINTIFF

v.

COMPLAINT

JAMES KAY, in his official capacity as Judge/Executive of
Woodford County, Kentucky

Serve: Judge/Executive James Kay
103 S. Main Street
Versailles, Kentucky 40383

DEFENDANT

PARTIES

1. Plaintiff David K. Sheeks was a resident of the Commonwealth of Kentucky, at all times relevant to this litigation.
2. Defendant James Kay is the Judge/Executive of Woodford County, Kentucky, the municipality with oversight responsibility for the Woodford County Emergency Medical Services.
3. Defendant James Kay is sued in his official capacity as Judge/Executive of Woodford County, Kentucky.

JURISDICTION AND VENUE

4. Jurisdiction is proper in this Court because the amount in controversy exceeds \$5,000.00 exclusive of interest and costs.
5. Jurisdiction is also proper in this Court because all parties were residents of the Commonwealth of Kentucky at all times relevant to this litigation.

6. Venue is proper in Woodford County, Kentucky because the acts alleged took place in Woodford County, Kentucky.

FACTS

7. Sheeks is an EMT who started working at Woodford County EMS in August 2019.

8. In November 2021, Sheeks was paired with paramedic David Grubb.



Grubb (left) receiving an award from Defendant James Kay (right).

9. Initially, Grubb would take the lead on most 911 calls and Sheeks would drive.

*Sheeks witnesses inappropriate behavior and comments from Grubb
while handling Woodford County EMS patients.*

10. In 2021, Grubb was in the back of the ambulance with a patient who was behaving erratically.
11. Sometime later, Grubb showed Sheeks a video he had taken of the patient while being transported and stated he sent it to friends on Snapchat.
12. The video clearly showed the patient with enough detail to be identified.
13. Sheeks eventually reported this as a suspected HIPAA violation.
14. In 2022, Sheeks and Grubb were sent to respond to a car accident.
15. A woman involved in the accident was unconscious and had life-threatening injuries.
16. Because of this, her clothes needed to be removed to assess the severity of her injuries.
17. In the following days—and continuing for years afterwards—Grubb made inappropriate comments about the patient’s genitals, remarking that she had a **“nice pussy”** and **“nice titties.”**
18. Grubb criticized Sheeks for **“not sneaking a peek”** at the patient’s genitals.
19. On another run, Sheeks and Grubb were dispatched to a call of an intoxicated woman.
20. Sheeks was assigned to drive the ambulance on this call while Grubb rode in the back.
21. The ambulance has a live camera that allows the driver to monitor the back of the ambulance where the patient and EMT are.

22. While driving the ambulance, Sheeks noticed that the view from the interior camera had been obscured.
23. Once the ambulance arrived at the hospital, Sheeks noticed Grubb remove a piece of tape from the camera in the back of the ambulance.
24. Sheeks questioned Grubb about this, and Grubb stated that the patient lifted her shirt multiple times to show her breasts.
25. Grubb stated he put tape over the camera, which does not record, to preserve her dignity but stated that he *“enjoyed the show.”*

Sheeks is subject to unwanted harassment by Grubb.

26. In addition to the concerning incidents with patients, Sheeks was directly harassed by Grubb.
27. In January 2022, Grubb began taunting Sheeks by saying that Sheeks and EMS Director Freeman Bailey were in an adulterous homosexual relationship.
28. Sheeks told Grubb that he did not find this to be funny and to stop.
29. Instead, Grubb escalated and began regularly sending memes and taunts in a group chat suggesting the same.

30. In late April 2022, Grubb took a photo of Sheeks and his wife from Sheeks' wife's Facebook page and altered it so that Director Bailey's face was over Sheeks' wife's face. Grubb overlaid the photo with a heart-shaped frame with the caption "My Papa."



Photo originally depicting Sheeks and his wife, as altered by Grubb.

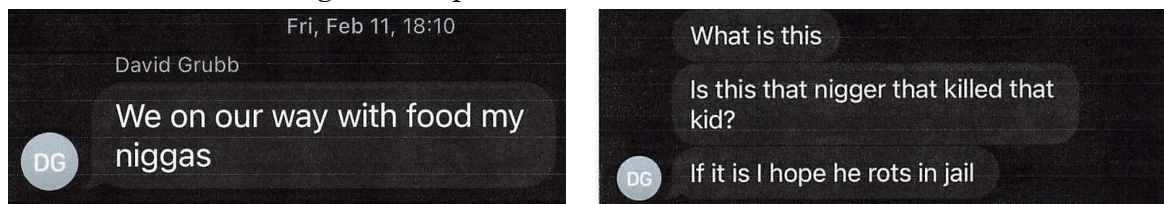
31. Grubb was not reprimanded for this photo but was reprimanded for a similar incident in 2024 where he pasted the heads of a Woodford County EMT and an Anderson County EMT onto actors in a pornographic image and shared it on social media.

Sheeks witnesses the harassment of others and other concerning incidents.

32. In addition to harassing statements and conduct pointed directly at him, Sheeks also witnessed Grubb harass others and engage in other unprofessional behavior.

33. Sheeks witnessed, and eventually complained about, Grubb's alcohol consumption affecting his work.

34. Specifically, Sheeks complained that Grubb came to work on multiple occasions stating that he was “hung over” and insisting that Sheeks drive on those days.
35. In the same group chat, Sheeks and other Woodford EMS employees regularly witnessed Grubb using racial epithets.



Texts sent by David Grubb in a group chat with other EMS employees.

36. Sheeks also witnessed Grubb twist a female EMT’s wrist, causing her to fall to her knees, and then place his groin in her face and say, “You like it on your knees, don’t you?”

Sheeks gives Director Bailey an extensive report on the harassment and other behavior and is threatened.

37. On May 16, 2022, Sheeks reported Grubb’s harassing behavior to Nathan Wade, his direct supervisor.
38. Wade insisted that Sheeks create a written report of the harassment to be provided to Freeman Bailey.
39. On May 18, 2022, Sheeks met with Wade and Bailey to provide them with the written report he created documenting the various acts of harassment by Grubb.
40. During this meeting, Wade recognized and insisted that Grubb’s actions were wrong.
41. At the same meeting, Bailey indicated that he would need additional time to figure out how to deal with the situation.
42. On May 19, 2022, Bailey and Sheeks had another meeting.

43. At this meeting, Bailey requested that Sheeks compile a more comprehensive document detailing every inappropriate incident involving Grubb and any other Woodford EMS employee.
44. Bailey requested this documentation from Sheeks so that he could supposedly investigate and rectify the situation, for example, stating that he would subject Grubb to random alcohol breath tests.
45. On May 24, 2022, Bailey met with Sheeks a third time.
46. During the May 24 meeting, Bailey informed Sheeks that—despite being provided a detailed account of harassment and other inappropriate acts by Grubb—he had no “evidence” and would not take any action.
47. Instead, Bailey told Sheeks that, if he wanted the allegations in his complaint to be investigated or addressed, every group chat in which he had ever participated would be obtained by Woodford County government.
48. This was despite Sheeks having already provided the harassing and discriminatory texts in his written report.
49. Bailey threatened Sheeks, stating that if he chose to pursue the complaint, they would look through the group chats and, if they believed Sheeks had made any questionable statement at all, they would use it as a basis to discipline him.
50. In this same meeting, Bailey also reprimanded Sheeks for not using his phone to record evidence of harassment.

Sheeks provides additional evidence to Woodford County EMS and is retaliated against.

51. Around June 2022, Grubb began to recirculate the Snapchat video he previously took of a patient while at work.

52. Following Bailey’s direction, Sheeks used his phone to record a brief video of Grubb’s phone with the video of the patient playing.
53. A few days later, Sheeks showed Bailey the video he recorded.
54. On June 17, 2022, Sheeks had an impromptu meeting with Woodford EMS Deputy Director Kent Berry, who was acting as EMS Director while Bailey was on vacation.
55. During this meeting, Sheeks and Berry discussed the video of a patient taken by Grubb as well as the video of Grubb’s phone taken by Sheeks.
56. Sheeks believed that the video taken by Grubb of the patient was a HIPAA violation.
57. With respect to the video taken by Sheeks, Berry told Sheeks he “didn’t know what he was thinking” recording a video of another employee, and that “it’s old school and new school, that you don’t ever do that.”
58. Berry further remarked that unless there were “hookers dancing on poles” in the EMS station, there was no excuse for recording another employee, including for the purposes of obtaining evidence of illegal activity with the intent of reporting that activity to management.
59. Berry also told Sheeks that he would “make him answer for” every statement made in Sheeks complaint that Sheeks could not affirmatively prove.
60. Berry also stated that, if *any* of Sheeks’ allegations could not be proved, he would investigate Sheeks for making false statements.
61. Berry told Sheeks that he could not guarantee that Sheeks’ position at Woodford County EMS—or his career in general—would survive if Sheeks was investigated for false statements.

62. Berry went on to tell Sheeks about another former Woodford EMS employee who kept a “diary” of events that happened on their shift.
63. Berry described how he eventually found that diary and burned it.
64. Berry went so far as to instruct Sheeks, “If you have a recording device now, ***get rid of it.***”
65. Berry then told Sheeks that he had seen the messages sent to Sheeks and that Sheeks was not sexually harassed.
66. Berry told Sheeks that Sheeks only had two options regarding the complaint.
67. The first option was that Sheeks could tell Bailey he did not want the complaint to be investigated.
68. Berry said, in that case, that Sheeks—***not Grubb***—would be required to change to a less desirable shift.
69. The other option presented by Berry was that the investigation could continue. However, Berry expressed that the most severe punishment that would ever be possible for Grubb would be a one- or two-day suspension.
70. Additionally, Berry stated that if the investigation were to continue, Sheeks would be investigated for “false allegations against a coworker.”
71. Berry stated that, ***even if Sheeks managed to keep his job***, Berry would be unable to find a partner for Sheeks. Without a partner, Sheeks would be unable to continue working at Woodford County EMS.
72. Berry told Sheeks that he “got bad advice from someone,” referencing the making of the complaint, and stated that because it was so detailed, it read like a “hit list” and not something he could rely on.

73. Berry ended this meeting by telling Sheeks to “take the win of a shift change, and don’t throw your career away.”

Woodford County EMS demands that Sheeks help cover up his complaint.

74. On June 30, 2022, Sheeks attended another meeting with both Bailey and Berry.

75. Bailey and Berry told Sheeks that he would be moved to a new shift with a new partner and that Grubb would not receive any corrective action.

76. Bailey then demanded that Sheeks draft an email to Bailey stating that Sheeks was satisfied with the resolution of his complaint.

77. Bailey told Sheeks that, because he “waited so long” to present the complaints, it “hurt his case.”

78. Bailey also stated that he felt like the incident resolved itself because the harassing texts had seemed to stop.

79. Following this meeting, Sheeks was moved to less desirable shifts.

Sheeks is forced out of Woodford County EMS

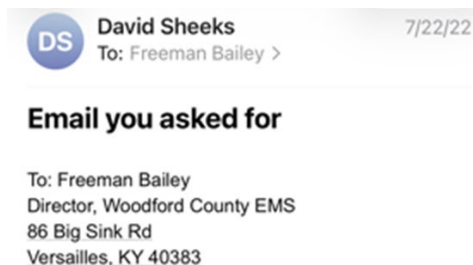
80. Sheeks did not immediately send the email Bailey demanded.

81. In the weeks following the June 30 meeting, Bailey continued to insist that Sheeks send him an email stating he was satisfied with the resolution given.

82. Bailey characterized the email as being necessary for Sheeks to be “protected.”

83. Sheeks believed this to be a threat.

84. Faced with the threat from Bailey, on July 22, 2022, Sheeks reluctantly sent a carefully worded email to Bailey entitled “Email you asked for” containing the language demanded by Bailey and Berry.



Director Bailey,

Recently I presented you with a series of complaints regarding a fellow employee. It is my understanding that an investigation into these complaints has taken place. While there was not sufficient corroborating evidence for corrective action against the employee in question, I have been offered the opportunity to move to a new shift, in hopes of minimizing my contact with that employee. I believe that this proposed solution will be successful in eliminating future incidents directed toward me moving forward.

The remainder of my complaint involved incidents that I was either not a party to, or was not directly harmed by. As such my obligation to report these incidents to you has been fulfilled, and I consider my part in them closed.

July 22, 2022, email from Sheeks to Bailey.

85. With it being clear that he was being punished for making a complaint about harassment, and that management expected him to be quiet about any other instances of harassment he might witness, Sheeks' work conditions became intolerable.

86. As a result, Sheeks was forced out of his employment with Woodford County EMS.

COUNT I

Sexual Harassment and Hostile Work Environment in violation of KCRA and KRS 344.040

87. As a man, David is a member of a protected class under KRS 344.040(1)(a) and the Kentucky Civil Rights Act.

88. Sheeks was the subject of unwanted sexual harassment.

89. The harassment was based on his sex.

90. The harassment was so severe and pervasive that it created a hostile work environment.

91. Defendant knew or should have known about the harassment and failed to implement prompt and appropriate corrective action to remedy the conduct described in this Complaint.

92. Sheeks has been harmed in an amount sufficient to establish the jurisdiction of this Court.

COUNT II

Retaliation under KRS 344.280

93. Sheeks incorporates by reference the allegations in the preceding paragraphs of the Complaint.

94. Sheeks' reports of sexual harassment of himself and others by employees of Defendant constitute protected speech.

95. Sheeks' exercise of his civil rights was known to his employer, Woodford County.

96. Defendant thereafter took an employment action adverse to Sheeks.

COUNT III

Punitive Damages

97. Sheeks incorporates by reference the allegations in the preceding paragraphs of the Complaint.

98. Sheeks seeks punitive damages as to all counts and wherever permitted by law to punish Defendant and deter any repetition of the mistreatment to which Sheeks was subjected.

WHEREFORE, Sheeks respectfully requests trial by jury, an award of actual and punitive damages, costs and attorney's fees, interest on all such sums at the maximum legal rate until paid, and all other relief to which he is entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. Eric Branco", with a long, horizontal, wavy line extending to the right.

W. Eric Branco

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