



COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

WILLIAM TANNER

vs.

TOWNSHIP OF FALLS

NO. 2023-00219

CIVIL COVER SHEET

State Rule 205.5 requires this form be attached to any document commencing an action in the Bucks County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: EDITH A. PEARCE, Esq., ID: 68753

Self-Represented (Pro Se) Litigant

Class Action Suit Yes No

MDJ Appeal Yes No

Money Damages Requested

Commencement of Action:

Amount in Controversy:

Complaint

More than \$50,000

Case Type and Code

Miscellaneous:

Other

Other:

EMPLOYMENT ACTION FOR VIOLATION OF PA

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Attorneys for Plaintiff

WILLIAM TANNER	:	COURT OF COMMON PLEAS
	:	COUNTY OF BUCKS
	:	
Plaintiff,	:	CIVIL ACTION - LAW
	:	
vs.	:	
	:	Docket No.:
TOWNSHIP OF FALLS a/k/a	:	
FALLS TOWNSHIP, et. al.	:	
	:	
Defendants.	:	

NOTICE

NOTICE

"You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objection to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgement may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose the money or property rights important to you.

"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP."

BUCKS COUNTY BAR ASSOCIATION
135 E. STATE STREET
DOYLESTOWN, PA 18901
(215) 348-9413

AVISO

"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demand. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL."

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MAJOR JURY MATTER

Attorneys for Plaintiff

WILLIAM TANNER	:	COURT OF COMMON PLEAS
2976 Holicong Road	:	BUCKS COUNTY
Doylestown, PA 18902	:	
	:	
Plaintiff,	:	CIVIL ACTION - LAW
	:	
vs.	:	
	:	Docket No.:
TOWNSHIP OF FALLS a/k/a	:	
FALLS TOWNSHIP	:	
188 Lincoln Highway	:	
Fairless Hills, PA 19030	:	
	:	
and	:	
	:	
FALLS TOWNSHIP BOARD OF	:	
SUPERVISORS	:	
188 Lincoln Highway	:	
Fairless Hills, PA 19030	:	
	:	
Defendants.	:	

CIVIL ACTION-COMPLAINT
ADVERSE EMPLOYMENT ACTIONS/WRONGFUL DISCHARGE IN VIOLATION OF
PENNSYLVANIA’S WHISTLEBLOWER LAW

1. Plaintiff William Tanner is an adult individual and citizen of the Commonwealth of Pennsylvania and Bucks County, residing therein at 2976 Holicong Road, Doylestown, PA

18902.

2. Defendant Township of Falls a/k/a Falls Township is alleged and therefore averred to be a municipal corporation and/or political subdivision, incorporated and existing under the laws of the Commonwealth of Pennsylvania and engaged in the business of municipal government, including but not limited to providing police services, with a principal place of business and address for service located at 188 Lincoln Highway, Fairless Hills, PA 19030.

3. Defendant Falls Township Board of Supervisors is alleged and therefore averred to be a municipal corporation and/or political subdivision, incorporated and existing under the laws of the Commonwealth of Pennsylvania and engaged in the business of municipal government, including but not limited to providing police services, with a principal place of business and address for service located at 188 Lincoln Highway, Fairless Hills, PA 19030.

4. Defendants Township of Falls a/k/a Falls Township and Falls Township Board of Supervisors are collectively referred to herein as “All Defendants”.

5. At all times material hereto, All Defendants, jointly and/or severally, were acting by and through their respective agents, servants, employees, workmen, elected officials and/or appointed officials who were acting within the course and scope of their employment with All Defendants and/or acting with the authority of All Defendants.

6. At all times material hereto, All Defendants, jointly and/or severally, operated and/or owned and/or controlled and/or directed and/or administered the entity know as the Falls Township Police Department, which entity provided police services for Falls Township, PA.

7. At all times material hereto, Plaintiff William Tanner was employed by All Defendants as a police officer for the Falls Township Police Department. Specifically, Plaintiff began employment with All Defendants as a police officer on or about May 2, 2016, and was

continuously employed as such through approximately October 21, 2022, when Plaintiff was unlawfully terminated by All Defendants. Such termination was in violation of Pennsylvania's Whistleblower Law, 48 PA. C.S. §§ 1421-1428 *et seq.* as retaliation for Plaintiff's reporting of and assistance with the investigation of alleged wrongdoing by persons employed by the Falls Township Police Department and/or Falls Township itself.

8. In or around August 2020, Plaintiff became aware of evidence and/or information showing potential wrongdoing and/or potential illegal conduct, allegedly committed by certain Falls Township police officers, as well as certain members of the Falls Township Board of Supervisors, and appropriately and lawfully made good faith reports of such alleged conduct that involved corruption, waste, fraud and abuse of office and/or position, as further detailed below.

9. Following this discovery, Plaintiff communicated his concerns to the Federal Bureau of Investigation (FBI), wherein Plaintiff provided the FBI with information regarding the alleged wrongdoing and alleged illegal acts that Plaintiff had discovered, which included alleged conduct that involved corruption, waste, fraud, and abuse of office and/or position. These acts by Plaintiff are protected by the Pennsylvania's Whistleblower Law, 48 PA. C.S. §§ 1421-1428 *et seq.*

10. Upon information and belief, Plaintiff's protected actions and good faith reports of alleged wrongdoing/illegal actions, was part of an investigation by the FBI into alleged wrongdoing and/or alleged illegal conduct, alleged to have been committed by certain individuals within the Falls Township Police Department and/or the Falls Township Board of Supervisors.

11. Upon information and belief, All Defendants were served with a subpoena(s), which was delivered by a special agent from the FBI, in or around September 2020, *after* Plaintiff had provided information to the FBI.

12. Prior to his termination, it was known by All Defendants that Plaintiff had provided information and participated in the FBI investigation which is protected by Pennsylvania's Whistleblower Law, 48 PA. C.S. §§ 1421-1428 *et seq.*

13. From September 2020 through the present, Plaintiff has had ongoing contact with the FBI, wherein Plaintiff provided the FBI with additional information/evidence as to alleged wrongdoing and/or alleged illegal conducted, alleged to have been committed by certain individuals within the Falls Township Police Department and/or the Falls Township Board of Supervisors, including alleged conduct that involved corruption, waste, fraud, and abuse of office and/or position.

14. Upon information and belief, as of the date of filing of this civil action complaint, such investigation by the FBI and/or other federal law enforcement authorities, is ongoing.

15. Sometime *prior* to August 30, 2021, supervisors within the Falls Township Police Department, as well as certain members of the Falls Township Board of Supervisors, became aware that Plaintiff had provided information and/or evidence to the FBI, with regard to alleged wrongdoing and/or alleged illegal conducted, alleged to have been committed by certain individuals within the Falls Township Police Department and/or the Falls Township Board of Supervisors.

16. On or about August 30, 2021, an off-duty incident occurred with Plaintiff in which police were involved, and, in contradiction to prior actions of Defendants, Plaintiff was unlawfully denied a *Laudermill* hearing and was administered more severe discipline then was recommended. A binding union grievance hearing was held, and an independent arbitrator found that Plaintiff was improperly denied an administrative hearing, as required by *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), prior to imposing discipline and was improperly

punished for the off-duty transgression. The only issue reserved by the arbitrator was whether additional punishment could be administered by Defendants, to Plaintiff, should Plaintiff temporarily lose his drivers license as a result of the alleged transgression.

17. In further retaliation for Plaintiff's protected good faith reporting of alleged wrongdoing/alleged illegal actions to the FBI, All Defendants refused to provide Plaintiff with an administrative hearing, as required by *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), prior to imposing discipline, despite both Plaintiff and Plaintiff's union's request for the same.

18. After serving the excessive 30 day suspension unlawfully improperly imposed by All Defendants, All Defendants engaged in retaliatory action, by refusing to return Plaintiff to his full duty status on or about January 16, 2022, and instead placed Plaintiff on administrative leave and office duty, which denied Plaintiff the enjoyment of his job and the opportunity for overtime.

19. On or about March 2022, All Defendants further retaliated against Plaintiff for his protected actions and good faith reporting under the Pennsylvania Whistleblower Law, 48 PA. C.S. §§ 1421-1428 *et seq.* by improperly, and without *Loudermil* hearing, placing Plaintiff on administrative leave because he forwarded non-work-related private messaging via a social media service, which Defendants asserted depicted in a jovial manner, a medical incident involving a police officer even though All Defendants were aware that Plaintiff had privately sent such "meme" to other police officers.

20. All Defendants, upon learning of the "meme" instructed supervisors within the Falls Township Police Department to conduct an internal investigation into Plaintiff's actions. Following the conclusion of this investigation, the Police Lieutenant tasked with conducting internal officer conduct reviews determined that Plaintiff had not violated department policies.

21. Despite this initial determination, Plaintiff was informed by All Defendants that Defendant Falls Township Board of Supervisors were considering terminating Plaintiff's employment.

22. Upon Plaintiff learning that All Defendants were considering terminating his employment, Plaintiff again requested a hearing as required by *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985).

23. On or about October 7, 2022, All Defendants, in further retaliation for Plaintiff's ongoing protected good faith reporting of alleged wrongdoing/alleged illegal actions to the FBI, again denied Plaintiff's legally protected request for a *Loudermill* Hearing and terminated Plaintiff from employment on October 14, 2022.

24. As a result of this unlawful and retaliatory termination, Plaintiff was required to file a second grievance against All Defendants via union, which grievance is pending hearing and arbitration.

25. All Defendants have engaged in an ongoing pattern and practice of retaliation against Plaintiff for his above-described lawful and protected good faith reporting and investigation assistance which includes harassment, intentional imposition of retaliatory and unjustified discipline and/or excessive discipline, damage to Plaintiff's ability to earn income among other retaliation.

26. As a direct and/or proximate result of the above-described unlawful retaliatory, harassing actions of All Defendants, jointly and/or severally, Plaintiff has suffered severe financial injury including but not limited to: past loss of earnings, future loss of earnings, loss of earning potential, loss of benefits, lost pay increases, front pay, back pay, lost pay incentives, lost overtime, and damage to Plaintiff's professional reputation/professional development.

27. As a direct and/or proximate result of the above-described unlawful, discriminatory and retaliatory actions of All Defendants, jointly and/or severally, Plaintiff has suffered compensatory damages including but not limited to emotional and psychological injuries, pain and suffering, humiliation, depression, anxiety, and embarrassment.

28. As a direct and/or proximate result of the above-described unlawful, discriminatory and retaliatory actions of All Defendants, jointly and/or severally, Plaintiff has or may hereafter incur other financial expenses or losses, which may continue indefinitely into the future, all to his great financial detriment and loss.

29. Plaintiff's economic and compensatory damages were a direct result of the intentionally unlawful and/or reckless and/or outrageous and/or malicious misconduct of All Defendants, jointly and/or severally, in violation of the protected rights of Plaintiff William Tanner.

30. As a direct result of the actions of All Defendants, jointly and/or severally, as above-described, Plaintiff William Tanner is entitled to punitive damages.

COUNT I

PLAINTIFF WILLIAM TANNER V. DEFENDANTS TOWNSHIP OF FALLS A/K/A FALLS TOWNSHIP AND FALLS TOWNSHIP BOARD OF SUPERVISORS

JOINTLY AND/OR SEVERALLY

ADVERSE EMPLOYMENT ACTIONS INCLUDING BUT NOT LIMITED TO WRONGFUL DISCHARGE IN RETALIATION FOR MAKING GOOD FAITH REPORTS OF WRONGDOING IN VIOLATION OF PENNSYLVANIA'S WHISTLEBLOWER LAW, 48 PA. C.S. §§ 1421-1428 et seq.

31. Plaintiff William Tanner hereby incorporates by reference the preceding paragraphs of this pleading as though each were set forth at length herein.

32. Pennsylvania's Whistleblower Law specifically protects state and local

government employees from retaliation resulting from good faith reports of waste, fraud, abuse and other wrongdoing. PA. C.S. §§ 1421-1428 *et seq.*

33. At all times material hereto, Plaintiff William Tanner was an employee of a local governmental entity, and was specifically employed by All Defendants as a police officer, as such, at all times material hereto, Plaintiff William Tanner was protected under the provisions Pennsylvania's Whistleblower Law.

34. Beginning in or around August 2020 and continuing thereafter, Plaintiff William Tanner engaged in good faith reporting of alleged waste, fraud, abuse and other wrongdoing, allegedly committed by employees and/or representatives of All Defendants, wherein such reporting was made by Plaintiff to the Federal Bureau of Investigation, as detailed at length above.

35. Sometime *prior* to August 30, 2021, supervisors within the Falls Township Police Department, as well as certain members of the Falls Township Board of Supervisors, became aware that Plaintiff had provided information and/or evidence to the FBI, with regard to alleged wrongdoing and/or alleged illegal conducted, alleged to have been committed by certain individuals within the Falls Township Police Department and/or the Falls Township Board of Supervisors.

36. All Defendants, jointly and/or severally, by and through their respective agents, servants, employees, workmen, elected officials and/or appointed officials who were acting within the course and scope of their employment with All Defendants and/or acting with the authority of All Defendants, engaged in an ongoing and pervasive course of retaliatory conduct against Plaintiff William Tanner, as above-described, for Plaintiff's protective reporting to the FBI of alleged wrongdoing and/or alleged illegal conducted, alleged to have been committed by

certain individuals within the Falls Township Police Department and/or the Falls Township Board of Supervisors, which retaliatory actions included, but are not limited to:

- a. Retaliatory and excessive disciplinary action arising from Plaintiff's alleged off-duty transgression on or about August 30, 2021, which was issued despite internal recommendations to the contrary;
- b. Retaliatory denial of benefits of employment including but not limited to denial for the opportunity of overtime;
- c. Retaliatory denial of protected hearings regarding adverse employment actions for public employees, *on two separate occasions*, as required by *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985);
- d. Retaliatory failure to reinstate Plaintiff to his pre-discipline position;
- e. Retaliatory placement of Plaintiff on administrative leave;
- f. Retaliatory discipline and termination action, arising from private communications made by Plaintiff in or around March 2022, which was issued despite internal recommendations to the contrary;
- g. Retaliatory discharged from employment on or about October 14, 2022;

37. The actions of All Defendants, as set-forth above, culminating in Plaintiff's unlawful termination from employment on October 14, 2022, were in furtherance of retaliation for Plaintiff making good faith reports of waste, fraud, abuse and other wrongdoing, all of which is in violation of Pennsylvania's Whistleblower Law, PA. C.S. §§ 1421-1428 *et seq.*

38. As a direct and/or proximate result of the above-described unlawful, discriminatory and retaliatory actions of All Defendants, Plaintiff suffered severe financial injury including, but not limited to, past loss of earnings, future loss of earnings, loss of earning potential, loss of benefits, lost pay increases, front pay, back pay, and lost pay incentives and damage to Plaintiff's professional reputation.

39. As a direct and/or proximate result of the above-described unlawful, discriminatory and retaliatory actions of All Defendants, jointly and/or severally, Plaintiff has

suffered compensatory damages including but not limited to severe emotional and psychological injuries, present pain and suffering, humiliation, depression, anxiety, and embarrassment.

40. As a direct and/or proximate result of the above-described unlawful, discriminatory and retaliatory actions of All Defendants, jointly and/or severally, Plaintiff has or may hereafter incur other financial expenses or losses, which may continue indefinitely into the future, all to his great financial detriment and loss.

41 Plaintiff's economic and compensatory damages were a direct result of the intentionally unlawful and/or reckless and/or outrageous and/or malicious misconduct of All Defendants, jointly and/or severally, in violation of the protected rights of Plaintiff William Tanner.

42. As a direct result of the actions of All Defendants, jointly and/or severally, as above-described, Plaintiff William Tanner is entitled to punitive damages.

WHEREFORE, Plaintiff William Tanner demands that judgment be entered in his favor and against Defendants Township of Falls a/k/a Falls Township and Falls Township Board of Supervisors, jointly and/or severally, in an amount *in excess* of Fifty Thousand (\$50,000.00) Dollars, together with interest, costs of suit, liquidated damages, punitive damages, as well as the issuance of declaratory and injunctive relief finding that the above described practices are unlawful and enjoining their past and continued effects, along with other relief as the Court deems just, proper and equitable

Respectfully submitted,

THE PEARCE LAW FIRM, P.C.

s/Edith A. Pearce

Edith A. Pearce, Esquire

s/William J. Ringland, Esquire

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Dated: January 17, 2023

Case# 2023-00219-0 - JUDGE:40 Received at County of Bucks Prothonotary on 01/17/2023 6:11 PM. Fee = \$263.25. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents. E-Filed by: EDITH A. PEARCE, Esq.

VERIFICATION

I, William Tanner, state that I am the Plaintiff herein, that I am acquainted with the facts set forth in the foregoing Complaint, that the same are true and correct to the best of my knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.

DocuSigned by:

A5FF8CB85272422...
William Tanner