

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

LUZ C. BROWNE,

Plaintiff,

v.

GOVERNMENT OF THE VIRGIN
ISLANDS, VIRGIN ISLANDS LOTTERY,
and GOVERNOR KENNETH E. MAPP,
in his official and individual capacities,

Defendants.

CASE NO.: 3:17-CV-00011

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff, LUZ C. BROWNE, by and through her undersigned counsel, and files her Complaint against Defendants GOVERNMENT OF THE VIRGIN ISLANDS, VIRGIN ISLANDS LOTTERY, and GOVERNOR KENNETH E. MAPP, JR. and alleges the following:

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States. This Court has supplemental jurisdiction of the common law claims pursuant to 28 U.S.C. § 1367(a).
2. Venue is proper in the judicial division of St. Croix under 28 U.S.C. § 1391(b) because the events giving rise to the claim occurred in St. Croix, Browne resides in St. Croix, and all Defendants have offices in



Browne v. Government of the Virgin Islands, etc., Case No.:

COMPLAINT

Page 2

St. Croix.

PARTIES

3. Plaintiff, Luz C. Browne (“Browne”) is and, at all times relevant to this Complaint, was a resident of St. Croix.
4. Defendant, Government of the Virgin Islands (“GVI”) is a body politic and unincorporated Territory of the United States Virgin Islands.
5. Defendant, the Virgin Islands Lottery (“VIL”) is an instrumentality of the Government of the Virgin Islands and is recognized as the official lottery of the Virgin Islands. See, 32 V.I.C. § 243.
6. Defendant, Kenneth E. Mapp, is the Governor of the Virgin Islands having been elected in 2014 to a four year term beginning in 2015.

FACTUAL ALLEGATIONS

7. Browne began her employment with the VIL on October 1, 2003 as a Marketing Coordinator.
8. On March 21, 2011, Browne was appointed to serve as a Senior Marketing Specialist with the (“VIL”). **Exhibit “1”**, Notice of Appointment dated May 10, 2011.
9. Although Browne’s NOPA described her position as exempt, Browne was in fact a career service employee as her position did not require her to create policy or maintain a confidential relationship with a policy maker.
10. In addition, in 2014, Browne’s position was reclassified from exempt to non-union indicating her placement in the career service. **Exhibit “2”**,

Browne v. Government of the Virgin Islands, etc., Case No.:

COMPLAINT

Page 3

Notice of Appointment dated November 19, 2014.

11. In addition to serving as an employee of the VIL, Browne, along with her family, is active in their community and local politics.
12. Browne, her husband, and others founded a political and civil community organization named "VI Restore Hope."
13. VI Restore Hope brings awareness of local issues to the citizens of the Territory by hosting various events and running ads in the local newspapers and on radio.
14. In or about 2012, Mapp visited Browne and her husband to enlist their support of his candidacy in the 2014 gubernatorial election.
15. Prior to meeting with Mapp, Browne, her husband, and VI Restore Hope decided to publicly support another gubernatorial candidate who challenged Mapp in the 2014 gubernatorial race.
16. Browne, her family, and VI Restore Hope publicly supported Christensen's campaign after meeting with Mapp, which upset Mapp.
17. During the campaign, Mapp began posting slanderous and derogatory comments about Browne and her family on Browne's Facebook page.
18. Mapp's posting of slanderous and derogatory comments continued despite Browne's numerous requests to stop.
19. Despite Browne's requests, Mapp continued to post comments to her Facebook page and also publicly attacked Browne, and her family members, on local radio programs.
20. Mapp continued the public attacks throughout his campaign.

Browne v. Government of the Virgin Islands, etc., Case No.:

COMPLAINT

Page 4

21. Mapp also engaged in private verbal attacks, via social media inbox messages to Browne.
22. Despite Mapp's attacks, Browne continued campaigning for Christensen.
23. Mapp won the 2014 gubernatorial election and became Governor of the Virgin Islands on 2015.
24. On February 13, 2015, Mapp terminated Browne from her employment at the VIL. **Exhibit "3"**, Termination letter dated February 11, 2015.
25. The termination was delivered by the then Director Designee of the VIL to Browne on February 13, 2015.
26. The termination was without cause as no reason for the termination was stated in the termination letter and the Director of the VIL did not advise Browne of any reason for her termination.
27. Browne appealed her termination to the Public Employee Relations Board.
28. During a hearing before the PERB, the Director Designee testified that Mapp called him to a meeting in Government House and instructed him to terminate Browne.

COUNT I
VIOLATION OF 42 U.S.C. § 1983

29. Browne repeats and reasserts the allegations set forth in paragraphs 1-28 above.

Browne v. Government of the Virgin Islands, etc., Case No.:

COMPLAINT

Page 5

30. The First Amendment of the United States Constitution prohibits the Government from infringing on the free speech and free association speech of its citizens.
31. Defendants intentionally deprived Browne of her constitutional rights to free association and speech by terminating her from her position for political reasons and without just cause.
32. Defendants' termination of Browne's employment was motivated by their desire to retaliate against Browne for associating with and supporting the campaign of Mapp's opponent in the 2014 gubernatorial election.
33. As a result of Defendants' wrongful conduct, Browne suffered lost wages, pain and suffering, and embarrassment.

DEMAND FOR JURY TRIAL

Plaintiff, Luz C. Browne, demands a trial by jury.

WHEREFORE, Plaintiff, Luz C. Browne, prays for relief as follows:

1. Entry of a declaratory judgment that Defendants' conduct was illegal under federal law;
2. Enter an injunction reinstating Plaintiff, Luz C. Browne, to her position as Senior Marketing Specialist;
3. Award monetary damages against Defendant, Kenneth E. Mapp, in his individual capacity for lost wages, benefits, and emotional distress;

Browne v. Government of the Virgin Islands, etc., Case No.:

COMPLAINT

Page 6

4. Award Plaintiff, Luz C. Browne, reimbursement for attorney fees and costs; and
5. Award such other relief as the Court may deem just and proper.

Respectfully Submitted,

THE WALKER LEGAL GROUP
Attorney for Plaintiff, Luz C. Browne

DATED: February 13, 2017

BY: *s/ Kye Walker*

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