

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA**

Case No.:

CHRIS MCKINSTRY,
Plaintiff,

-VS-

TOWN OF LADY LAKE, FLORIDA,
Defendant.

COMPLAINT

Plaintiff, CHRIS MCKINSTRY (“MCKINSTRY”), sues the Defendant, LADY LAKE CORPORATION, (“LADY LAKE”), and states as follows:

JURISDICTION AND VENUE

1. This is an action for damages in excess of \$30,000.00, exclusive of attorneys’ fees and costs.
2. Defendant, LADY LAKE, is a Florida municipal corporation situated in Lake County, Florida, and venue is proper in Lake County.

PARTIES

3. Plaintiff, MCKINSTRY, is presently a resident of Sumter County, Florida. At all times pertinent, MCKINSTRY was an “employee” as defined by the Florida Civil Rights Act of 1992, Fla. Stat. §760.01 et. seq.
4. Defendant, LADY LAKE, is an “employer” as defined by the Florida Civil Rights Act of 1992, Fla. Stat. §760.01 et. seq.

CONDITIONS PRECEDENT

5. In or around the month of November 2019, MCKINSTRY filed a charge of discrimination with the Equal Employment Opportunity Commission, which was under the work sharing agreement co-filed with the Florida Commission on Human Relations.
6. On November 16, 2019, the EEOC concluded it had no jurisdiction and pursuant to the work sharing agreement, transferred the charge to the FCHR.
7. The Florida Civil Rights Act (“FCRA”) claim is timely in that more than 180 days the Charge of Discrimination was pending with the Florida Commission on Human Relations, and during that 180 period, the Commission failed to issue a cause or no cause determination.

GENERAL ALLEGATIONS

8. For almost seven years MCKINSTRY was employed by LADY LAKE. For most of this time, he served as Chief of Police.
9. As Chief of Police, he reported to Town Manager, Kris Kollgaard.
10. While serving as Police Chief, McKinsty performed his duties in an exemplary fashion, instituting reforms which increased the professionalism of the department.
11. Plaintiff’s success as Chief of Police came at the expense of the Town Manager who had a long history of interference in police affairs, one of which resulted in a judgment against the Town in November of 2014 when she fired a police dispatcher whose husband, a retired firearms trainer for Lake County Sheriff’s Office, had appeared before the Town Council to complain about the unlawful transfer of donated firearms to a political ally of certain power brokers in the town.

12. Plaintiff was involuntarily separated from LADY LAKE on December 12, 2018; Kollgaard had been interfering with his duties.
13. Kollgaard manufactured a whole series of reasons for the termination, including such claims as he was not wearing his bullet proof vest while in the office, although that was never required by the department's standard operating procedures.
14. The reasons by Kollgaard were clearly false and designed to disguise the reality that Plaintiff was an extremely well qualified and accomplished police chief who had served the Town of Lady Lake well.
15. The true fact is that Kollgaard wanted a substantially younger, more inexperienced chief so that she could interfere at will.
16. Kollgaard did not want a chief who was old and experienced enough to object to her interference in police affairs.
17. Kollgaard proceeded to replace Plaintiff with her preferred candidate who was the youngest and least qualified applicant for the position of Chief of Police.
18. Although the Town has argued that Kollgaard's chosen chief was the most qualified applicant, the fact is that under his tenure, the Town's reported crime statistics increased 88% under the new chief's watch.

COUNT 1 – AGE DISCIMINATION
(FLORIDA CIVIL RIGHTS ACT)

19. MCKINSTRY readopts and re-alleges paragraphs 1 through 18 above as if fully set forth herein.

20. The conduct of LADY LAKE, by and through the conduct of the Town Manager who abused her power to, subjected MCKINSTRY to unlawful discrimination on account of age in violation of the Florida Civil Rights Act.

21. As a direct, natural, foreseeable, and proximate result of the actions and inactions of LADY LAKE, by and through the actions and inactions of its Town Manager, Kris Kollgaard, MCKINSTRY has suffered injuries and losses including a violation of his statutory rights, economic loss, mental pain and suffering and extreme emotional stress, loss of ability to lead an normal life, all of which injuries and losses are continuing and permanent in nature.

WHEREFORE, MCKINSTRY prays for the following relief:

- a) Entry of judgment for restitutionary, and compensatory damages including, but not limited to, damages for emotional pain and suffering, anguish, injury of reputation, and loss of capacity to enjoy life;
- b) Order the reinstatement of Plaintiff to his position as Police Chief;
- c) Or, in the alternative to reinstatement, as equitable relief, grant an award of front pay;
- d) Declare that the Defendant has violated the age discrimination provisions of the Florida Civil Rights Act;
- e) Award Plaintiff costs in this action, including reasonable attorneys' fees and expert fees as provided by the Florida Civil Rights Act; and
- f) Grant any other equitable relief deemed appropriated by this Court.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury as to all issues so triable as a matter of right.

BY: /s/ G. Ware Cornell, Jr.

G. Ware Cornell, Jr.

Fla. Bar No.: 203920

ware@warecornell.com

CORNELL & ASSOCIATES, P.A.

Counsel for the Plaintiff

2645 Executive Park Drive

Weston, Fla. 33331

Tel: (954) 641-3441